



## City of Paso Robles Planning Commission Agenda Report

From: Darren Nash, Associate Planner

Subject: **Planned Development 17-001, Tentative Parcel Map PR 16-0245 and Conditional Use Permit 17-015, Dave Spurr – Contractor Building and Storage Yard**

East end of Ardmore Road / APN: 025-362-014

Applicant – Dave Spurr

Request to subdivide a 7.2-acre parcel into two 3.6 acre parcels and developing the westerly parcel (Parcel 1) with a 16,000 square foot building for a construction company that would include offices and maintenance shop, with accessory outdoor storage of equipment and materials. The easterly lot (Parcel 2) would be pre-graded with Parcel 1 including underground utilities to accommodate future development.

Date: November 14, 2017

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- Facts:**
1. The project at the eastern end of Ardmore Road, on the south side of the road. See Vicinity Map, Attachment 1.
  2. This site is zoned C3-PD, and since it has PD Overlay Zoning, a development plan is required. In addition to the PD requirement, Section 21.13 of the Zoning Code requires a Conditional Use Permit (CUP) to be processed to ensure that commercial/light-industrial uses do not create noise, visual and/or land use impacts to neighboring land uses.
  3. The PD overlay zoning along with the special conditions, gives the Planning Commission the opportunity to review land use proposals to insure that quality development is approved in this area of the City. Since this C3-PD area is in proximity to residential uses/zones, through the PD/CUP process, conditions can be added to improve the aesthetics of the project and to reduce impacts on neighboring residential uses.
  4. Along with the tentative parcel map and preliminary grading plan by Robert's Engineering, the proposed development plan has been provided by Nick Gilman, Architect. See Site Plan, Attachment 2.
  5. PD 17-001 provides for the development of the 16,000 square foot office and maintenance shop. See Building Perspective, Attachment 3.
  6. The DRC reviewed the project at their meeting on April 17, 2017. Nick Gilman presented the proposed site plan, architectural plans for the building and the proposed parcel map. The project fencing type and landscape screening was discussed. Staff also indicated that since the property to the south (Chandler Ranch) is zoned Residential, that the Zoning Code requires a decorative masonry wall. Staff indicated that since the plans for Chandler Ranch are unknown at this time, that it may be better to plant a landscape buffer with the project rather than build the wall. Staff suggested a 25-foot landscape buffer. The DRC concurred that the 25-foot landscape buffer would

be more effective for screening the construction yard to future uses, rather than a masonry wall. In general the DRC was supportive of the project.

7. Pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, an Initial Study and Mitigated Negative Declaration (MND) was prepared and circulated for public review and comment. Based on the information and analysis contained in the Initial Study (and comments and responses thereto), a determination has been made that the project may be approved with a Mitigated Negative Declaration.

**Analysis  
and  
Conclusion:**

Project Summary

For the Planning Commission to consider a request to subdivide the site into two 3.6 acre parcels (PR 16-0245) as follows:

Parcel 1: establish a 16,000 square foot office/maintenance building with an accessory outdoor contractor's storage yard. The outdoor storage yard would be for construction equipment associated with Spurr Construction Company;

Parcel 2: pre-grade the 3.6 acre site concurrent with the Parcel 1 project including stubbing out utilities to accommodate future development. Future development of Parcel 2 will be subject to the processing of a development plan and conditional use permit.

General Plan / Zoning Consistency

The Zoning Code designates the C3 properties south of Union Road, and east of Golden Hill Road as a special overlay district (Figure 21.12-4). Because of the proximity of residential uses in this area, special conditions are required upon the development of the C3 properties, which would include the properties on Ardmore Road.

FIGURE 21.13-4



Section 21.13.030.F outlines the special conditions required for these properties:

*21.13.030.F:*

*F. Commercial Service Area East of Golden Hill Road, South of Union Road and Highway 46 East. All C-3, PD zoned properties, totaling approximately one hundred sixty-two acres, located east of Golden Hill Road, South of Union Road and Highway 46 East as shown on Figure 21.13-4 are conditioned by Ordinance 560 N.S. as follows:*

- 1. Those properties that abut residentially-zoned land are conditioned to require the following:*
  - a. Construction of a solid wall of decorative masonry materials such as slumpstone or split-faced block, six to eight feet high; and*
  - b. Provision of a thick landscaped screen, at least ten feet wide to be planted on commercial property, in a location to be approved by the development review committee; recommended screening materials would include trees or tall shrubs which would grow more than ten feet high such as Eucalyptus Nicholii and Leyland Cypress.*
- 2. All land uses in the C-3, PD-zoned properties are subject to approval of a conditional use permit to ensure that the following occur:*
  - a. Commercial light industrial uses do not create noise, visual and/or land use impacts to neighboring land uses;*
  - b. Commercial uses shall be limited to those which the city council has determined will not have a detrimental effect on the city's goal of revitalizing the downtown.*

The Spurr project has been designed to address the conditions above as follows:

**Masonry Wall/Landscape Buffer:** it was discussed with the DRC that construction a masonry wall along the projects southern boundary which is adjacent to Chandler Ranch property would not be mitigating anything since the property is not developed. Staff agrees that a wall would not seem to be appropriate and suggested replacing the requirement to provide a wall with the requirement to plant a 25-foot landscape buffer along the southern boundary.

It will be at the discretion of the Planning Commission whether replacing the wall with the landscape buffer is appropriate or whether a wall should be required.

A condition of approval has been added to the project that requires the 25-foot landscape buffer be planted prior to the Certificate of Occupancy for the building on Parcel 1 and that the landscape buffer be planted on Parcel 2 prior to the recordation of the Parcel Map.

Furthermore, a condition has been provided that requires that a Landscape Architect provide a planting and irrigation plan for the buffer area prior to the issuance of a building permit.

## Agenda Item 2

Impacts on Neighboring Properties: The Spurr construction yard project will be providing a building that would be the business office for the construction company along with a maintenance shop. While generally the equipment will be off-site on construction jobs, there will be parking of equipment in the yard and maintenance of equipment in the shop.

As a result of the site being 3.6 acres and the building/shop be located approximately 250-feet from the southern property line, when taking in consideration the distance along with the 25-foot landscape buffer, it is not anticipated that noise from the maintenance shop would be significant.

### Neighborhood Compatibility

The proposed construction yard would be similar to the existing Case Pacific construction yard across Ardmore Road. Staff anticipates that other properties in the Ardmore Road area will be developed with similar uses. The building architecture, decorative fencing, and 25-foot landscape buffer on the south end of the site would seem to provide for a project that will be compatible with other uses in the Ardmore C3 zoned area.

The City did receive a letter from David McCabe a residential neighbor that lives on Gilead Lane, expressing concern with the possibility of noise generated by the project. As discussed above, the proximity of the building to the residential properties, along with buffer would seem to mitigate noise associated with the project to the residential properties to the south.

### Sewer /Septic

On November 7, 2017 the City Council approved the request by Mr. Spurr for PD 17-001 and CUP 17-015, the development of Parcel 1 of PR 16-0245, to provide a septic system with a condition that PR 16-0245 cannot record until the project has been connected to the City's sewer system.

The City is in the process of working with property owners in the Ardmore Road area to provide the necessary easements for a sewer line between Ardmore Road and Union Road.

### Road Improvements

The improvement of Ardmore Road will be required to be completed with the development of the Spurr construction yard project. Tim Roberts, Civil Engineer is working on the design of Ardmore Road with Mr. Spurr and Case Pacific (who is also conditioned to improve Ardmore Road) so that the road improvements for both projects can be installed concurrently.

### Future Development of Parcel 2

Dave Spurr intends to grade Parcels 1 and 2 at the same time along with providing utilities to each parcel. As mentioned above the Parcel Map cannot be recorded until such time that the sewer line has been provided from Ardmore Road to Union Road. The future development of Parcel 2 will be required to apply for a separate Development Plan and Conditional Use Permit.

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### **Policy**

**Reference:** General Plan Land Use Element, Zoning Code, and 2006 Economic Strategy.

### **Fiscal**

**Impact:** There are no negative fiscal impacts to the City associated with approval of this Project.

### **Options:**

After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

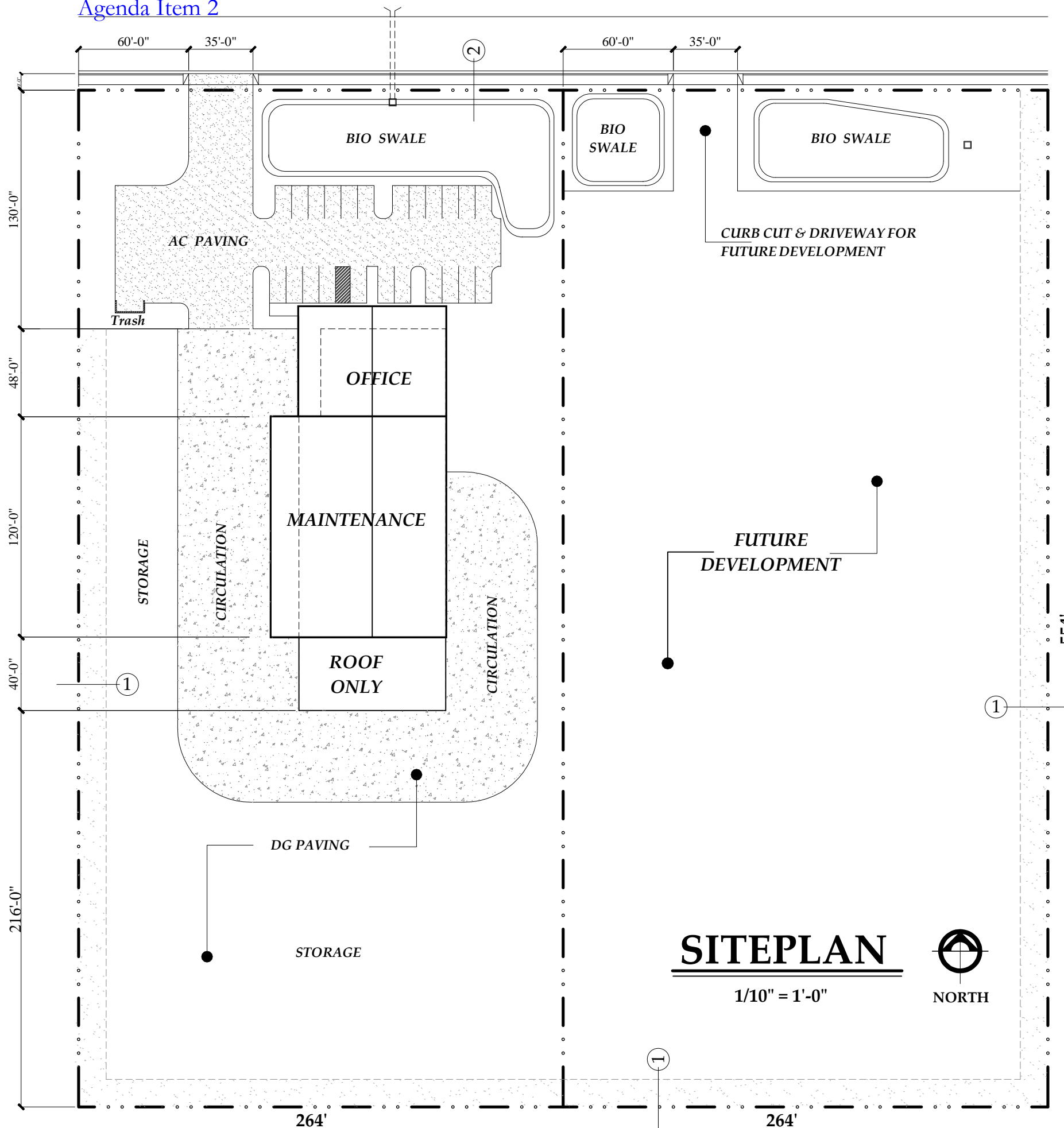
- a.
  1. Adopt the attached Resolution A. approving a Mitigated Negative Declaration, (Attachment 5);
  2. Adopt the attached Resolution B. approving Planned Development 17-001 and Conditional Use Permit (CUP) 17-015 allowing for the development and operation of the 3.6 acre site with a 16,000 square foot office/maintenance building, with accessory outdoor storage yard, and allowing for the 25-foot landscape buffer to replace the requirement to constructing a masonry wall along the project southern boundary for both Parcels 1 and 2 of PR 16-0245, subject to standard and site specific conditions and encroachment permits (Attachment 6);
  3. Adopt the attached Resolution C. approving Tentative Parcel Map PR 16-0245 subdividing the 7.2 acre parcel into two 3.6 acre parcels, subject to standard and site specific conditions and encroachment permits (Attachment 7);
- b. Amend the above-listed action.
- c. Refer back to staff/DRC for additional analysis.
- d. Make findings to deny applications.

### **Attachments:**

1. Vicinity Map
2. Site Plan
3. Perspective
4. David McCabe Letter
5. Draft Resolution – A: MND
6. Draft Resolution – B: PD/CUP
7. Draft Resolution – C: PR 16-0245
8. CEQA – Initial Study
9. Mail and Newspaper Affidavits

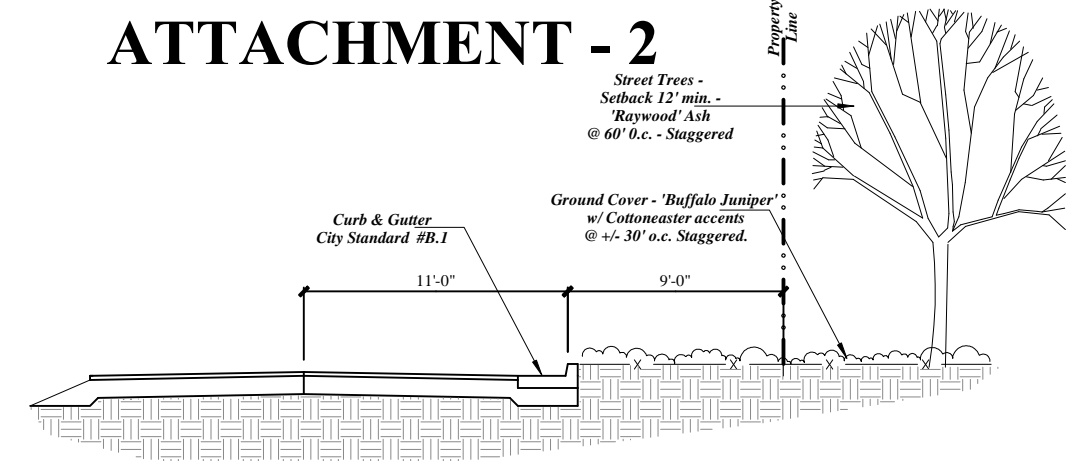




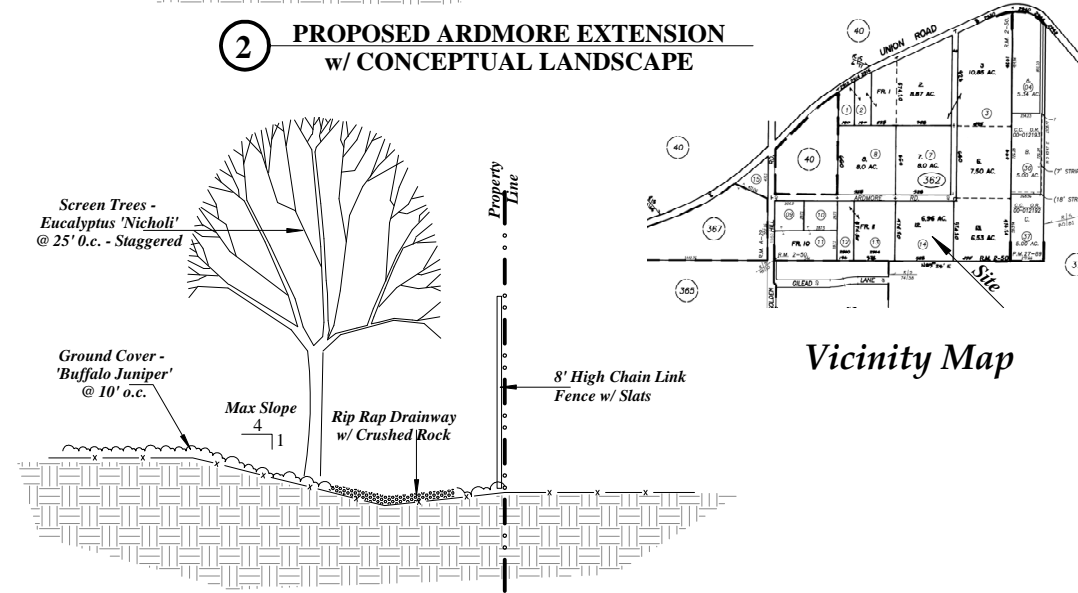


**SITEPLAN**  
 1/10" = 1'-0"  
 NORTH

**ATTACHMENT - 2**



**2** PROPOSED ARDMORE EXTENSION  
 w/ CONCEPTUAL LANDSCAPE



**1** PERIMETER  
 SITE SCREEN

**OWNER** SPURCO  
 % DAVE SPURR  
 PO BOX 1920  
 PASO ROBLES, CA.  
 93447 805.772.1781

**APN** 025-362-014  
**LAND USE** C3 - COMMERCIAL SERVICE  
**ZONING** C3 PD

**PARCEL 1 : CONSTRUCTION COMPANY SITE**

<b>SITE AREA -</b>	3.36 ACRES
<b>OFFICE -</b>	3264 SF
<b>MAINTENANCE BLDG. -</b>	9600 SF
<b>COVERED STORAGE -</b>	3200 SF
<b>SCREENED OUTSIDE STORAGE</b>	+/- 1 ACRE (VEHICLES & MATERIALS)

**PARKING PROVIDED** 23 CARS

**PARCEL 2 : FUTURE DEVELOPMENT**

Revisions	By

**Owner :**  
 Dave Spurr  
 238.0834

**Architect :**  
 Nick Gilman  
 945012th St 'E'  
 Paso Robles  
 805.238.3432

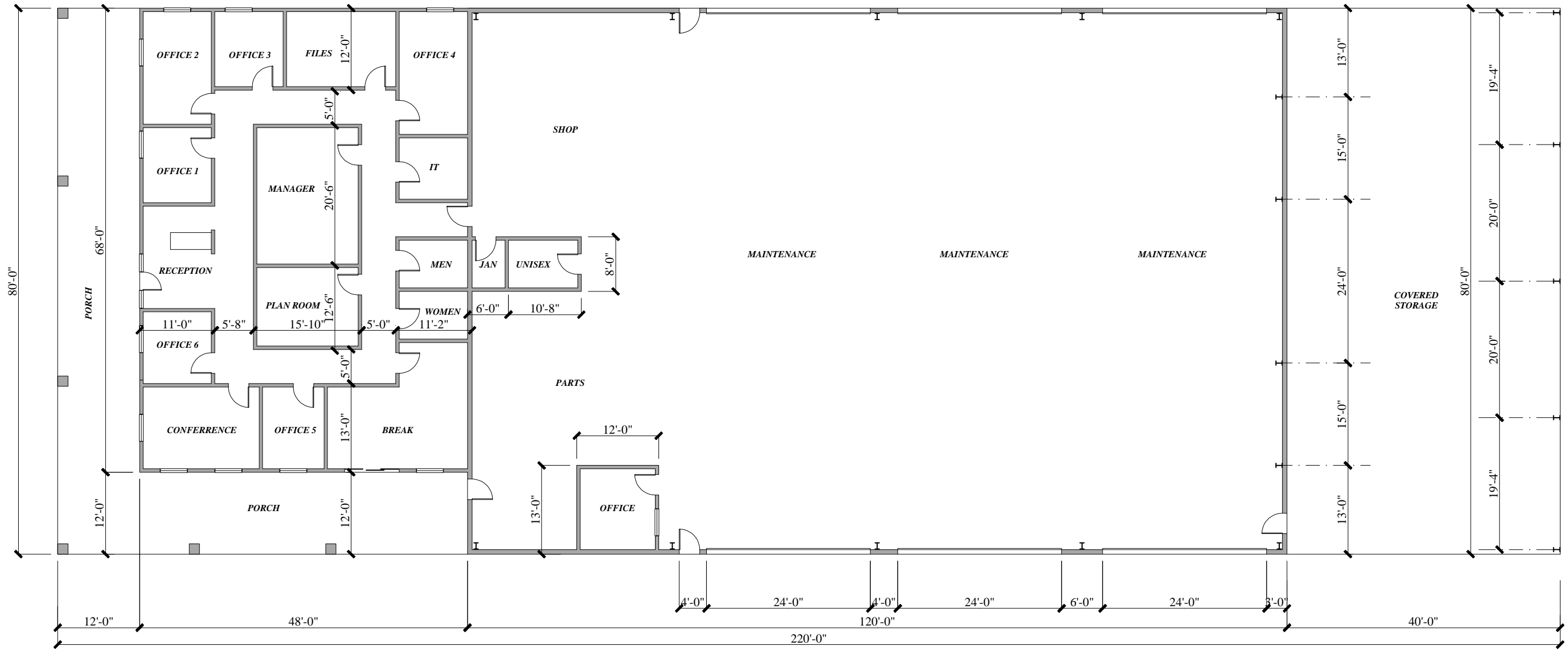
**SITEPLAN**

**SPURR  
 DEVELOPMENT**

Drawn	
Checked	
Date	03.10.2017
Scale	
Job No.	
Sheet	

**1**





Revisions	By

Owner :  
Dave Spurr  
238.0834

Architect :  
Nick Gilman  
945012th St 'E'  
Paso Robles  
805.238.3432

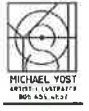
**FLOORPLAN**

**SPURR DEVELOPMENT**

Drawn \_\_\_\_\_  
Checked \_\_\_\_\_  
Date **03.10.2017**  
Scale \_\_\_\_\_  
Job No. \_\_\_\_\_  
Sheet \_\_\_\_\_



# ATTACHMENT - 3



MICHAEL YOST  
ARCHITECTURE  
1001 S. LINDSAY AVE  
PASO ROBLES, CA 93551

ARCHITECT  
1001 S. LINDSAY AVE  
PASO ROBLES, CA 93551  
PHONE: 805.734.3132



NORTH-WEST PERSPECTIVE  
SPURCO / DAVE SPURR EXCAVATING, INC.

SCALE: NTS  
DATE: 02.06.17  
REV:

NORTH-WEST PERSPECTIVE

SHEET  
01/03

RECEIVED  
MAR 13 2017  
City of Paso Robles  
Community Development Dept.

David McCabe  
2912 Gilead Lane  
Paso Robles, CA 93446

October 24, 2017

City of El Paso de Robles  
1000 Spring Street  
Paso Robles, CA 93446

Attention: Darren Nash

RECEIVED  
NOV 01 2017  
City of Paso Robles  
Community Development Dept.

This is in response your letter dated October 13, 2017, concerning the proposed development by Dave Spurr located at the end of Ardmore Road.

We are aware that Ardmore road is zoned for commercial development. It sits adjacent to Gilead Lane that is a residual neighborhood. No doubt you can appreciate this will have an impact on our homes. At present there is an industrial company located that produces noise that is heard on Gilead Lane. At times, in the early hours of the morning, we have to live with their noise. More noise and traffic, produced by large trucks, will affect our neighborhood even more so.

Because of this situation, would it not be a consideration to limit the development of Ardmore Road to smaller commercial development? Across highway 46, where more industrial development is taking place, would be more suited for this type of development.

Thank you for your consideration of the above. We will be attending the public hearing on November 14.

Yours,



## Attachment 5 Draft Resolution A

RESOLUTION NO. PC 17-XXX  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO ADOPT A MITIGATED NEGATIVE DECLARATION  
AND MITIGATION MONITORING AND REPORTING PROGRAM  
FOR SPURR CONTRACTOR BUILDING AND STORAGE YARD PROJECT  
(TENTATIVE PARCEL MAP PR 16-0245, PLANNED DEVELOPMENT 17-001  
& CONDITIONAL USE PERMIT 17-015)  
APN: 025-423-014

**WHEREAS**, an application for Vesting Tentative Parcel Map PR 16-0245, Planned Development (PD 17-001) and Conditional Use Permit (CUP 17-015), has been filed by Nick Gilman, Architect for the Spurr Construction Project; and

**WHEREAS**, the project would consist of subdividing a 7.2-acre parcel into two 3.6 acre parcels and develop the westerly parcel (Parcel 1) with a 16,000 square foot building for a construction company that would include offices, maintenance shop, and accessory outdoor storage of equipment and materials; and

**WHEREAS**, the easterly lot (Parcel 2) would be pre-graded with Parcel 1 including providing underground utilities to accommodate future development; and

**WHEREAS**, the project is consistent with the applicable policy and regulatory documents of the City, including the following:

- **General Plan Commercial Service land use designation** – The project would provide development of an office, equipment maintenance shop along with accessory outdoor storage which is consistent with the Commercial Service (CS) land use designation; and
- **Zoning District of Commercial/Light Industrial**– The project is a “*permitted*” use in the C3 district; and

**WHEREAS**, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000, et seq., and the City’s Procedures for Implementing CEQA, an Initial Study and a Draft Mitigated Negative Declaration (MND) was prepared and circulated for a 30-day public review period beginning on October 16, 2017 through November 14, 2017. Public comments were received on the MND prior to the Planning Commission meeting and addressed during the hearing. A copy of the Draft MND/Initial Study is included in Exhibit B (Attachment 8 of the project staff report) of this Resolution, and it is on file at the Paso Robles Community Development Department; and

**WHEREAS**, mitigation measures have been incorporated into the MND and will be imposed on the project through the City’s adoption of a Mitigation Monitoring and Reporting Program (MMRP) in compliance with CEQA Guideline 15074(d). These mitigation measures are imposed on the project to address potential environmental effects from: aesthetic resources and biological resources. With the implementation of this mitigation, all potential environmental effects will be reduced to a less than significant level. These mitigation measures are provided in Exhibit A, “Mitigation Monitoring and Reporting Program” attached to this Resolution; and

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**WHEREAS**, mitigation measures set forth in the MMRP are specific and enforceable. The MMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, and verification of compliance in order to ensure that the Project complies with the adopted mitigation measures; and

**WHEREAS**, the mitigation measures contained in the MMRP will also be imposed as enforceable conditions of approval; and

**WHEREAS**, the applicant has executed a Mitigation Agreement whereby the applicant has agreed to incorporate all of the mitigation measures listed in Exhibit B into the project. A copy of the executed Mitigation Agreement is on file in the Community Development Department; and

**WHEREAS**, public notice of the proposed Draft MND was posted as required by Section 21092 of the Public Resources Code; and

**WHEREAS**, a public hearing was conducted by the Planning Commission on November 14, 2017 to consider the Initial Study and the Draft MND prepared for the proposed project, and to accept public testimony on the Planned Development and environmental determination. At the close of this public hearing, the Planning Commission adopted the MND approving the proposed project; and

**WHEREAS**, based on the information and analysis contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the Planning Commission finds that there is no substantial evidence supporting a fair argument that there would be a significant impact on the environment with mitigation measures imposed on the project; and

**WHEREAS**, pursuant to CEQA the Planning Commission has independently reviewed the Initial Study, the Mitigated Negative Declaration, and all comments received regarding the Mitigated Negative Declaration, and based on the whole record before it finds that the Mitigated Negative Declaration was prepared in compliance with CEQA and the CEQA Guidelines, that there is no substantial evidence that the Project will have a significant effect on the environment with the incorporation of mitigation, and the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission of the City of El Paso de Robles, based on its independent judgment and analysis, has adopted the Mitigated Negative Declaration (Exhibit B) for the Spurr Contractor Storage Yard project and adopted a Mitigation Monitoring and Reporting Program (Exhibit A), and imposes each mitigation measure as a condition of approval, in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.



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PASSED AND ADOPTED THIS 14<sup>th</sup> day of November 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
JOHN DONALDSON, CHAIRPERSON

\_\_\_\_\_  
WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION

Exhibits:

- A. Exhibit A – Mitigation Monitoring and Reporting Program
- B. Exhibit B – Mitigated Negative Declaration / Initial Study (refer to Attachment 8 of the Planning Commission staff report)

EXHIBIT - A

Mitigation Monitoring and Reporting Plan

Project File No./Name: **Spurr Construction Building and Storage Yard**  
 Approving Resolution No.: \_\_\_\_ by:  Planning Commission  City Council

Date: November 14, 2017

The following environmental mitigation measures were either incorporated into the approved plans or were incorporated into the conditions of approval. Each and every mitigation measure listed below has been found by the approving body indicated above to lessen the level of environmental impact of the project to a level of non-significance. A completed and signed checklist for each mitigation measure indicates that it has been completed.

Explanation of Headings:

Type: ..... Project, ongoing, cumulative  
 Monitoring Department or Agency: ..... Department or Agency responsible for monitoring a particular mitigation measure  
 Shown on Plans: ..... When a mitigation measure is shown on the plans, this column will be initialed and dated.  
 Verified Implementation: ..... When a mitigation measure has been implemented, this column will be initialed and dated.  
 Remarks: ..... Area for describing status of ongoing mitigation measure, or for other information.

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<b>AQ-1: <u>Dust Control Measures</u></b> Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. <b><u>Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD’s 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402):</u></b>	Project	Qualified Air Quality Specialist			Prior to Issuance of a Grading Permit

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>a. Reduce the amount of the disturbed area where possible.</p> <p>b. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. <b><u>Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.</u></b> For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;</p> <p>c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;</p> <p>d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;</p> <p>e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast</p>					

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>germinating, non-invasive grass seed and watered until vegetation is established.</p> <p>f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.</p> <p>g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.</p> <p>i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.</p> <p>j. Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The</p>					



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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;</p> <p>k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.</p> <p>l. All PM<sub>10</sub> mitigation measures required should be shown on grading and building plans; and,</p> <p>m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.</p>					
<p><b>AQ-2:</b> <u>Developmental Burning</u> Effective February 25, 2000, <b><u>the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.</u></b> If you have any questions regarding these requirements, contact</p>	Project	Qualified Air Quality Specialist CDD			Prior to issuance of grading permit

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
the APCD Engineering & Compliance Division at (805) 781-5912.					
<p><b>AQ-3:</b> <u>Demolition Activities Demolition / Asbestos</u>  Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). <b><u>If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).</u></b> These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Engineering &amp; Compliance Division at (805) 781-5912 for further information or go to <a href="http://slocleanair.org/rules-regulations/asbestos.php">slocleanair.org/rules-regulations/asbestos.php</a> for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of <a href="http://slocleanair.org/library/download-forms.php">slocleanair.org/library/download-forms.php</a>.</p>	Project	Qualified Air Quality Specialist CDD			Prior to issuance of grading permit

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p><b>AQ-4</b> Construction Permit Requirements</p> <p>Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.</p> <p>The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.</p> <ul style="list-style-type: none"> <li>• Power screens, conveyors, diesel engines, and/or crushers;</li> <li>• Portable generators and equipment with engines that are 50 hp or greater;</li> <li>• Electrical generation plants or the use of standby generator;</li> <li>• Internal combustion engines;</li> <li>• Rock and pavement crushing;</li> <li>• Unconfined abrasive blasting operations;</li> <li>• Tub grinders;</li> <li>• Trommel screens; and,</li> </ul>	Project	Qualified Air Quality Specialist/ CDD			Prior to issuance of a grading permit.

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<ul style="list-style-type: none"> <li>Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).</li> </ul> <p><b><u>To minimize potential delays, prior to the start of the project, please contact the APCD Engineering &amp; Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.</u></b></p>					
<p><b>BR-1.</b> Prior to start of grading, a sediment and erosion control plan should be prepared that specifically seeks to protect bare soil areas on the site. Erosion control measures should be implemented to prevent runoff and loss of sediment from the site. The plan should specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. The plan should also describe how any and all pollutants originating from construction equipment would be collected and disposed.</p>	On-going	CDD			Prior to issuance of grading permit
<p><b>BR-2.</b> During construction activities on the site, up to date Best Management Practices (commonly referred to as BMP's) should be utilized to minimize erosion, sedimentation, pollutants, and dust. For example, washing of concrete, paint, or equipment should occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of equipment, tools, roads, etc. should not be allowed in any location where the tainted water could enter a storm drain or gutter. BMP's for dust abatement should be a component of the project's construction documents, and water sprayed onto the site for dust abatement should not cause runoff.</p>	On-going	CDD			Prior to issuance of grading permit



## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks														
<p>BR-3. All bare soils areas and temporarily impacted areas from grading that are outside the project development area should be stabilized with appropriate landscaping and mulch or other approved materials. Temporarily disturbed areas such as on the eastern parcel shall have the following seed mix applied through either direct hand seeding or hydroseeding methods:</p> <p><b>Native Grassland Erosion Control Seed Mix</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Species</th> <th style="text-align: left;">Application Rate (lbs./acre)</th> </tr> </thead> <tbody> <tr> <td><i>Bromus carinatus</i> (California)</td> <td style="text-align: center;">5</td> </tr> <tr> <td><i>Hordeum brachyantherum</i></td> <td style="text-align: center;">5</td> </tr> <tr> <td><i>Vulpia microstachys</i> (six weeks)</td> <td style="text-align: center;">3</td> </tr> <tr> <td><i>Stipa pulchra</i> (purple)</td> <td style="text-align: center;">10</td> </tr> <tr> <td><i>Trifolium wildenovii</i> (tomcat)</td> <td style="text-align: center;">5</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: center;"><b>28</b></td> </tr> </tbody> </table>	Species	Application Rate (lbs./acre)	<i>Bromus carinatus</i> (California)	5	<i>Hordeum brachyantherum</i>	5	<i>Vulpia microstachys</i> (six weeks)	3	<i>Stipa pulchra</i> (purple)	10	<i>Trifolium wildenovii</i> (tomcat)	5	<b>Total</b>	<b>28</b>					
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<p>BR-4. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Community Development Department (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:</p> <p>a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 20.88 acres (6.96 acres disturbed area multiplied by 3 as a result of an applied 3:1 mitigation ratio) of suitable</p>	Project	CDD		Notes shown on construction documents.	Prior to issuing Building Permit.														

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife and the City. This mitigation alternative (a.) requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.</p> <p>b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.</p> <p>Mitigation alternative (b) above can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the CDFW and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total:       \$52,200 (20.88 multiplied by \$2,500)</p> <p>This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property</p>					

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the CDFW provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.</p> <p>c. Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.</p> <p>Mitigation alternative (c) above can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total: \$52,200 (20.88 multiplied by \$2,500)</p> <p>This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.</p>					
<p><b>BR-5.</b> Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they</p>	Project	CDD			Prior to issuing Certificate of Occupancy permit

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>have retained a qualified biologist acceptable to the City. The retained biologist shall perform the following monitoring activities:</p> <ul style="list-style-type: none"> <li>i. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. preconstruction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.</li> <li>ii. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.</li> <li>iii. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for</li> </ul>					

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work.</p> <p>If incidental take of kit fox during project activities is possible, <b>before project activities commence</b>, the applicant must consult with the USFWS and the CDFW. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.</p> <p>iv. In addition, the qualified biologist shall implement the following measures:</p> <ol style="list-style-type: none"> <li>1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances: <ul style="list-style-type: none"> <li>▪ Potential kit fox den: 50 feet</li> <li>▪ Known or active kit fox den: 100 feet</li> </ul> </li> </ol>					

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<ul style="list-style-type: none"> <li>▪ Kit fox pupping den: 150 feet</li> </ul> <ol style="list-style-type: none"> <li>2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.</li> <li>3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities shall be required by a qualified biologist.</li> </ol>					
<p><b>BR-6.</b> Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction, In addition, prior to permit issuance and initiation of any ground disturbing activities, measures 3 through 10 below shall be clearly delineate on project plans.</p>	Project	CDD			Prior to site disturbance, grading permit issued
<p><b>BR-7.</b> During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.</p>	On-going	Certified Arborist CDD		Shown on construction documents	Prior to issuance of grading permit



## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p><b>BR-8.</b> BR-15. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.</p>	On-going	Certified Arborist CDD		Shown on construction documents	Prior to issuance of building permit
<p><b>BR-9.</b> During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or</p>	Project	Certified Arborist CDD			Prior to issuance of Final Occupancy

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.					
<b>BR-10.</b> During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.	Project	CDD			Prior to issuance of grading permit.
<b>BR-11.</b> During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.	On-going	CDD			Prior to issuance of Grading Permit/On-going with project construction.
<b>BR-12.</b> Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.	On-going	CDD			Prior to issuance of a grading permit.

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<b>BR-13.</b> During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.	On-going	CDD			On Going during construction.
<b>BR-14.</b> Since fencing is required around the industrial development and the property abuts existing developed areas, openings at the bottom of the fence would not be required to facilitate kit fox movement through the site. Implementation of the above mitigation measures will reduce project impacts to SJKF to a less than significant level pursuant to CEQA.	On-going	CDD			Prior to issuance of a grading permit.
<b>BR-15.</b> Night Lighting. Night lighting should be kept to the minimum necessary for safety purposes, and should be shielded and aimed as needed to avoid spillover into undeveloped areas. Decorative lighting should be of low intensity.					
<b>BR-16.</b> Impacts to Nesting Birds. To minimize impacts to nesting bird species protected by the Migratory Bird Treaty Act, grading of the site should be limited to the					

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>time period between September 1 and February 14 if feasible. If initial site disturbance cannot be conducted during this time period, a pre-construction survey for active bird nests within the limits of the project should be conducted by a qualified biologist. Surveys should be conducted two weeks prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing activities can proceed. If active nests are located, then all construction work should be conducted outside a non-disturbance buffer zone to be developed based on the species (i.e., 50 feet for common species and upwards of 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests should occur until the young are no longer reliant on the nest site as determined by a qualified biologist. The biologist should conduct monitoring of the nest until all young have fledged.</p>					
<p><b>BR-17.</b> Impacts to American Badger. The American badger was also determined to have the potential to occur on-site, and some small mammal prey base was observe along the site margins. A pre-construction survey for active badger dens should be conducted within the construction impact footprint and surrounding accessible areas of the property two weeks prior to any ground disturbing activities. The survey should be conducted by a qualified biologist. In order to avoid potential direct impacts to adults and nursing young, no grading should occur within 50 feet of an active badger den as determined by the project biologist. Construction activities between July 1 and February 28 should comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:</p>					

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<ul style="list-style-type: none"> <li>• A qualified biologist should conduct a biological survey two (2) weeks prior to the start of construction;</li> <li>• The survey should cover the entire area proposed for development, including new areas to be used for refuse or soil storage, or grading for other facilities;</li> <li>• Surveys should focus on both old and new den sites, and the biologist should evaluate whether dens are presently occupied;</li> <li>• If dens are too long to see the end, a fiber optic scope (or other acceptable method such as tracking medium) should be used to assess the presence of badgers;</li> <li>• Inactive dens should be excavated by hand with a shovel to prevent badgers from re-using them during construction.</li> <li>• Badgers should be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days. Access to the den should be incrementally blocked to a greater degree over this period. This should cause the badger to abandon the den and move elsewhere. After badgers have stopped using any den(s) within the project boundary, the den(s) should be hand-excavated with a shovel or carefully with the use of an excavator to prevent re-use.</li> <li>• The biologist should be present during the initial clearing and grading activity. If additional badger dens are found, all work should cease until the biologist can complete measures described above for inactive and active dens. Once the badger dens have been excavated, work on the site may resume.</li> </ul>					
BR-18. Wildlife Movement Barriers. The proposed project is adjacent to other development, and surrounded by grasslands and other movement habitat. It would not block					

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
any wildlife corridors or inhibit wildlife movement through the area post development.					
BR-19. Impacts Related to Invasive Non-Native Species. The proposed project could unintentionally introduce or maintain non-native invasive plants through landscaping or by halting the historic grazing operation onsite thereby promoting increase in patches of species such as Italian thistle ( <i>Carduus pycnocephalus</i> ) and yellow star thistle ( <i>Centaurea solstitialis</i> ). The introduction and/or continued presence of these species would directly and indirectly impact wildlife resources in the region. Development may result in the spread of non-native plants through disturbance and escape of ornamentals. This could potentially impact wildlife, including special-status species in the greater area due to loss of food resources and cover. All landscape plants specified for the project should be non-invasive and if feasible, drought tolerant. To ensure that project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plans should be reviewed by a qualified biologist prior to implementation. Any invasive plant species should be removed from the landscaping plans and replaced with appropriate, non-invasive species.					
<b>BR-20.</b> Impacts to Water Resources. Adverse effects on the water quality of the swale and properties downstream from the project, could pose a risk to associated habitats and the species that use them. Potential risk comes from the following sources: (a) fuels, hydraulic fluids, paints, solvents, and other chemicals; (b) increased sedimentation could occur during construction; and (c) additional pesticides, fertilizers, and herbicides would be introduced onto the site once the project is constructed and landscaped. Ensuring sediment-laden runoff does not leave the site during construction, and that post construction runoff is consistent					



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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
with preconstruction conditions will be important to avoid potential impacts to water quality. The bioswales and basins proposed for the project would avoid this potential impact.					

(add additional measures as necessary)

Explanation of Headings:

Type: ..... Project, ongoing, cumulative

Monitoring Department or Agency: ..... Department or Agency responsible for monitoring a particular mitigation measure

Shown on Plans: ..... When a mitigation measure is shown on the plans, this column will be initialed and dated.

Verified Implementation: ..... When a mitigation measure has been implemented, this column will be initialed and dated.

Remarks: ..... Area for describing status of ongoing mitigation measure, or for other information.

## Attachment 6 Draft Resolution B

RESOLUTION NO. PC 17-XXX  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE PLANNED DEVELOPMENT 17-001 & CONDITIONAL USE PERMIT 17-015  
(SPURR CONTRACTOR STORAGE YARD)  
APN: 025-362-014

WHEREAS, an application for Vesting Tentative Parcel Map PR 16-0245 has been filed by Nick Gilman, Architect on behalf of Dave Spurr, to subdivide a 7.2 acre site into two 3.6 acre parcels; and

WHEREAS, in conjunction with PR 16-0245, Planned Development (PD 17-001) and Conditional Use Permit (CUP 17-015) have been submitted proposing to develop the westerly parcel (Parcel 1) with a 16,000 square foot building for a construction company that would include offices and maintenance shop, with accessory outdoor storage of equipment and materials; and

WHEREAS, the easterly lot (Parcel 2) would be pre-graded with Parcel 1 including providing underground utilities to accommodate future development, PD 17-001 & CUP 17-015; and

WHEREAS, the General Plan land use designation is Commercial Service (CS) and the zoning is Commercial/Light Industrial (C3). The C3 zone accommodates a wide variety of commercial and light industrial development; and

WHEREAS, with the approval of the development plan (PD 17-001) the Planning Commission allows for the planting of a 25-foot landscape buffer along the southern boundary of the site to replace the requirement for a masonry wall; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared for the project; and

WHEREAS, based on the information and analysis contained in the Initial Study, staff determined that the proposed project as designed, and with appropriate mitigation measures added as conditions of approval, will not result in significant environmental impacts, and a Mitigated Negative Declaration was prepared and circulated for public review and comment in full compliance with CEQA; and

WHEREAS, a duly noticed public hearing was conducted by the Planning Commission on November 14, 2017, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit request; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

**Section 1.** All of the above recitals are true and correct and incorporated herein by reference.

## Agenda Item 2

**Section 2 - Findings:** In accordance with Zoning Ordinance Section 21.23B.050, Findings for Approval of Development Plans, and based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission makes the following findings:

1. The project is consistent with the goals and policies established by the General Plan and Zoning Ordinance, since the project would provide for areas for commercial service and light-industrial uses, such as contracted services, which typically would have outdoor storage areas; and
2. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents and or businesses in the surrounding area, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City, as a result of the landscape screening, and decorative quality fencing materials; and
3. The proposed development plan accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the gateways to the City, scenic corridors; and the public right-of-way; based on the mixture of quality materials and landscaping; and
4. The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements, provides an appropriate visual appearance, and contributes to the mitigation of any environmental and social impacts, as a result of the requirement for the 25-foot landscape buffer and since the building is approximately 250-feet from the southern property line; and
5. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, oak trees, vistas, etc.; and
6. The proposed development plan contributes to the orderly development of the city as a whole by providing a well-designed project that is suitable for the location where it is proposed and surrounding land uses including commercial/light industrial, and the existing rural residential in the vicinity; and

**Section 3 - Environmental Determination:** Pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared for the project. Based on the information and analysis contained in the Initial Study, staff determined that the proposed project as designed, and with appropriate mitigation measures added as conditions of approval, will not result in significant environmental impacts, and a Mitigated Negative Declaration was prepared and circulated for public review and comment in full compliance with CEQA

**Section 4 - Approval:** Planned Development 17-001 & CUP 17-015 is approved subject to the following:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Site Specific Conditions of Approval
B	Standard Conditions of Approval
C	Site Plan
D	Preliminary Grading Plan
E	Floor Plan
F	North-West Perspective
G	Elevation: South-East
H	Elevation: North-West

## Agenda Item 2

PASSED AND ADOPTED THIS 14<sup>th</sup> day of November, 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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JOHN DONALDSON, CHAIRPERSON

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WARREN FRACE, PLANNING COMMISSION SECRETARY

# Exhibit A

## Site Specific Conditions of Approval – PD 17-001 & CUP 17-015

### (Spurr – Ardmore Rd.)

**Planning Division Conditions:**

1. The applicant/developer shall comply with the checked standard Conditions of Approval, “Exhibit B” of Resolution 17-\_\_\_\_\_.

NOTE: In the event of conflict or duplication between standard and site-specific conditions, the site-specific condition shall supersede the standard condition.

2. The project shall be constructed in substantial conformance with the Conditions of Approval established by Resolution 17-\_\_\_\_\_and it shall be constructed in substantial conformance with the following Exhibits:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Site Specific Conditions of Approval
B	Standard Conditions of Approval
C	Site Plan
D	Landscaping Plan
E	Floor Plans
F	Architectural Elevations
G	Preliminary Construction Plans

3. Any condition imposed by the Planning Commission in approving this Development Plan may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the Development Plan.
4. Approval of this project is valid for a period of two (2) years from date of approval. Unless construction permits have been issued and site work has begun, the approval of Planned Development 17-001 & CUP 17-015 shall expire on November 14, 2019. The Planning Commission may extend this expiration date if a Time Extension application has been filed with the City along with the fees before the expiration date.
5. No outdoor storage of materials or equipment shall take place between the building and the street.
6. In the event that buried or otherwise unknown cultural resources are discovered during construction work in the area of the find, work shall be suspended and the City of Paso Robles should be contacted immediately, and appropriate mitigations measures shall be developed by qualified archeologist or historian if necessary, at the developers expense.

## Agenda Item 2

7. The future development of Parcel 2 of PR 16-0245 shall be subject to the processing of a Development Plan and Conditional Use Permit as required by Chapter 21.13.030.F.
8. Prior to the issuance of a building permit for Parcel 1, a landscape and irrigation plan for the 25-foot buffer areas shall be prepared for Parcels 1 and 2 by a Landscape Architect and shall be provided for review and approval by the Development Review Committee (DRC).
9. Prior to the issuance of a Certificate of Occupancy for the building on Parcel 1, the landscape buffer areas shall be planted on both parcels 1 and 2.

### **Engineering Division Conditions:**

10. The property shall be connected to sewer prior to recordation of the final Map or any amendments to add additional buildings or uses to the development plan.
11. Prior to final grading approval, the applicant shall construct the remaining unimproved portions of Ardmore Road to the eastern property line in accordance with plans approved by the City Engineer.
12. The Applicant's plans must be coordinated with neighboring development to ensure proper alignment and construction.
13. The applicant shall connect to sewer when it is available in Ardmore Road or as part of future development plans.
14. Prior to occupancy, overhead utilities on the west boundary of the property shall be relocated underground.
15. Grading for the project shall include low impact development best management practices and storm water infiltration devices.

### **Mitigation Measures – Conditions of Approval:**

#### AQ-1: Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402):

- a. Reduce the amount of the disturbed area where possible.
- b. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;
- c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;



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- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. 'Track-Out' is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. All PM10 mitigation measures required should be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.

### AQ-2: Developmental Burning

Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Engineering & Compliance Division at (805) 781-5912.

### AQ-3: Demolition Activities Demolition / Asbestos

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the

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requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Engineering & Compliance Division at (805) 781-5912 for further information or go to [slocleanair.org/rules-regulations/asbestos.php](http://slocleanair.org/rules-regulations/asbestos.php) for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of [slocleanair.org/library/download-forms.php](http://slocleanair.org/library/download-forms.php).

### AQ-4 Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.

BR-1. Prior to start of grading, a sediment and erosion control plan should be prepared that specifically seeks to protect bare soil areas on the site. Erosion control measures should be implemented to prevent runoff and loss of sediment from the site. The plan should specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. The plan should also describe how any and all pollutants originating from construction equipment would be collected and disposed.

BR-2. During construction activities on the site, up to date Best Management Practices (commonly referred to as BMP's) should be utilized to minimize erosion, sedimentation, pollutants, and dust. For example, washing of concrete, paint, or equipment should occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of equipment, tools, roads, etc. should not be allowed in any location where the tainted water could enter a storm drain or gutter. BMP's for dust abatement should be a component of the project's construction documents, and water sprayed onto the site for dust abatement should not cause runoff.

BR-3. All bare soils areas and temporarily impacted areas from grading that are outside the project development area should be stabilized with appropriate landscaping and mulch or other approved materials. Temporarily disturbed areas such as on the eastern parcel shall have the following seed mix applied through either direct hand seeding or hydroseeding methods:

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Native Grassland Erosion Control Seed Mix	
Species	Application Rate (lbs./acre)
Bromus carinatus (California brome)	5
Hordeum brachyantherum (meadow barley)	5
Vulpia microstachys (six weeks fescue)	3
Stipa pulchra (purple needlegrass)	10
Trifolium wildenovii (tomcat clover)	5
Total	28

BR-4. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Community Development Department (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 20.88 acres (6.96 acres disturbed area multiplied by 3 as a result of an applied 3:1 mitigation ratio) of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife and the City. This mitigation alternative (a.) requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the CDFW and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total: \$52,200 (20.88 multiplied by \$2,500)

This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the CDFW provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.

c. Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to

provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total: \$52,200 (20.88 multiplied by \$2,500). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

- BR-5. Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City. The retained biologist shall perform the following monitoring activities:
- i. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. preconstruction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
  - ii. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.
  - iii. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and the CDFW. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.
  - iv. In addition, the qualified biologist shall implement the following measures:
    1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
      - Potential kit fox den: 50 feet

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- Known or active kit fox den: 100 feet
- Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
  3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities shall be required by a qualified biologist.
- BR-6. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction, In addition, prior to permit issuance and initiation of any ground disturbing activities, measures 3 through 10 below shall be clearly delineate on project plans.
- BR-7. During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.
- BR-8. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-9. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-10. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

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- BR-11. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-12. Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-13. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.
- BR-14. Since fencing is required around the industrial development and the property abuts existing developed areas, openings at the bottom of the fence would not be required to facilitate kit fox movement through the site. Implementation of the above mitigation measures will reduce project impacts to SJKF to a less than significant level pursuant to CEQA.
- BR-15. Night Lighting. Night lighting should be kept to the minimum necessary for safety purposes, and should be shielded and aimed as needed to avoid spillover into undeveloped areas. Decorative lighting should be of low intensity.
- BR-16. Impacts to Nesting Birds. To minimize impacts to nesting bird species protected by the Migratory Bird Treaty Act, grading of the site should be limited to the time period between September 1 and February 14 if feasible. If initial site disturbance cannot be conducted during this time period, a pre-construction survey for active bird nests within the limits of the project should be conducted by a qualified biologist. Surveys should be conducted two weeks prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing activities can proceed. If active nests are located, then all construction work should be conducted outside a non-disturbance buffer zone to be developed based on the species (i.e., 50 feet for common species and upwards of 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests should occur until the young are no longer reliant on the nest site as determined by a qualified biologist. The biologist should conduct monitoring of the nest until all young have fledged.
- BR-17. Impacts to American Badger. The American badger was also determined to have the potential to occur on-site, and some small mammal prey base was observed along the site margins. A pre-construction survey for active badger dens should be conducted within the construction impact footprint and surrounding accessible areas of the property two weeks prior to any ground disturbing activities. The survey should be conducted by a qualified biologist. In order to avoid potential direct impacts to adults and nursing young, no grading should occur within 50 feet of an active badger den as determined by the project biologist. Construction activities between July



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1 and February 28 should comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:

- A qualified biologist should conduct a biological survey two (2) weeks prior to the start of construction;
- The survey should cover the entire area proposed for development, including new areas to be used for refuse or soil storage, or grading for other facilities;
- Surveys should focus on both old and new den sites, and the biologist should evaluate whether dens are presently occupied;
- If dens are too long to see the end, a fiber optic scope (or other acceptable method such as tracking medium) should be used to assess the presence of badgers;
- Inactive dens should be excavated by hand with a shovel to prevent badgers from re-using them during construction.
- Badgers should be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days. Access to the den should be incrementally blocked to a greater degree over this period. This should cause the badger to abandon the den and move elsewhere. After badgers have stopped using any den(s) within the project boundary, the den(s) should be hand-excavated with a shovel or carefully with the use of an excavator to prevent re-use.
- The biologist should be present during the initial clearing and grading activity. If additional badger dens are found, all work should cease until the biologist can complete measures described above for inactive and active dens. Once the badger dens have been excavated, work on the site may resume.

BR-18. Wildlife Movement Barriers. The proposed project is adjacent to other development, and surrounded by grasslands and other movement habitat. It would not block any wildlife corridors or inhibit wildlife movement through the area post development.

BR-19. Impacts Related to Invasive Non-Native Species. The proposed project could unintentionally introduce or maintain non-native invasive plants through landscaping or by halting the historic grazing operation onsite thereby promoting increase in patches of species such as Italian thistle (*Carduus pycnocephalus*) and yellow star thistle (*Centaurea solstitialis*). The introduction and/or continued presence of these species would directly and indirectly impact wildlife resources in the region. Development may result in the spread of non-native plants through disturbance and escape of ornamentals. This could potentially impact wildlife, including special-status species in the greater area due to loss of food resources and cover. All landscape plants specified for the project should be non-invasive and if feasible, drought tolerant. To ensure that project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plans should be reviewed by a qualified biologist prior to implementation. Any invasive plant species should be removed from the landscaping plans and replaced with appropriate, non-invasive species.

BR-20. Impacts to Water Resources. Adverse effects on the water quality of the swale and properties downstream from the project, could pose a risk to associated habitats and the species that use them. Potential risk comes from the following sources: (a) fuels, hydraulic fluids, paints, solvents, and other chemicals; (b) increased sedimentation could occur during construction; and (c) additional pesticides, fertilizers, and herbicides would be introduced onto the site once the project is constructed and landscaped. Ensuring sediment-laden runoff does not leave the site during construction, and that post construction runoff is consistent with preconstruction conditions will be important to avoid potential impacts to water quality. The bioswales and basins proposed for the project would avoid this potential impact.

BR-21. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Community Development Department (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 20.88 acres (6.96 acres disturbed area multiplied by 3 as a result of an applied 3:1 mitigation ratio) of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife and the City. This mitigation alternative (a.) requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.
- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b) above can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the CDFW and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total: \$52,200 (20.88 multiplied by \$2,500).

This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the CDFW provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (c) above can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total: \$52,200 (20.88 multiplied by \$2,500).

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This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

BR-22. In accordance with the County Guide to SJKF Mitigation Procedures Under CEQA, the project owner shall adopt the Standard Kit Fox CEQA Mitigation Measures and shall be included on development plans. The following summarizes those that are applicable to this project:

- A maximum 25 mph speed limit shall be required at the project site during construction activities.
- All construction activities shall cease at dusk and not start before dawn.
- A qualified biologist shall be on-site immediately prior to initiation of project activities to inspect for any large burrows (e.g., known and potential dens) and to ensure no wildlife are injured during project activities. If dens are encountered, they should be avoided as discussed below.
- Exclusion zone boundaries shall be established around all known and potential kit fox dens.
- All excavations deeper than 2 feet shall be completely covered at the end of each working day.
- All pipes, culverts, or similar structures shall be inspected for SJKF and other wildlife before burying, capping, or moving.
- All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day.
- All food-related trash shall be removed from the site at the end of each work day.
- Project-related equipment shall be prohibited outside of designated work areas and access routes.
- No firearms shall be allowed in the project area.
- Disturbance to burrows shall be avoided to the greatest extent feasible.
- No rodenticides or herbicides should be applied in the project area.
- Permanent fences shall allow for SJKF passage through or underneath (i.e., an approximate 4-inch passage gap shall remain at ground level).

BR-23. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program

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to all contractors, employers and other personnel involved with the construction of the project.

- BR-24. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.

# Exhibit B

## CITY OF EL PASO DE ROBLES STANDARD DEVELOPMENT CONDITIONS

Planned Development \_\_\_\_\_  Conditional Use Permit \_\_\_\_\_

Tentative Parcel Map \_\_\_\_\_  Tentative Tract Map \_\_\_\_\_

Approval Body: PC

Date of Approval: November 14, 2017

Applicant: Dave Spurr

Location: Ardmore Road

APN: 025-362-014

The following conditions that have been checked are standard conditions of approval for the above referenced project. The checked conditions shall be complied with in their entirety before the project can be finalized, unless otherwise specifically indicated. In addition, there may be site specific conditions of approval that apply to this project in the resolution.

**COMMUNITY DEVELOPMENT DEPARTMENT - The applicant shall contact the Community Development Department, (805) 237-3970, for compliance with the following conditions:**

**A. GENERAL CONDITIONS – PD/CUP:**

- 1. This project approval shall expire on November 14, 2019 unless a time extension request is filed with the Community Development Department, or a State mandated automatic time extension is applied prior to expiration.
- 2. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Planned Development process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- 3. To the extent allowable by law, Owner agrees to hold City harmless from costs and expenses, including attorney’s fees, incurred by City or held to be the liability of City in connection with City’s defense of its actions in any proceeding brought in any State or Federal court challenging the City’s actions with respect to the project. Owner understands and acknowledges that City is under no obligation to defend any legal actions challenging the City’s actions with respect to the project.

(Adopted by Planning Commission Resolution \_\_\_\_\_)

## Agenda Item 2

- 4. Any site specific condition imposed by the Planning Commission in approving this project (**Planned Development**) may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.
- 5. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
- 6. All signs shall be subject to review and approval as required by Municipal Code Section 21.19 and shall require a separate application and approval prior to installation of any sign.
- 7. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the Development Review Committee, but specifically excluding precision block.
- 8. Prior to the issuance of a Building Permit a landscape and irrigation plan consistent with the Landscape and Irrigation Ordinance, shall be submitted for City review and approval. The plan needs to be designed in a manner that utilizes drought tolerant plants, trees and ground covers and minimizes, if not eliminates the use of **turf**. The irrigation plan shall utilize drip irrigation and limit the use of spray **irrigation**. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- 9. A reciprocal parking and access easement and agreement for site access, parking, and maintenance of all project entrances, parking areas, landscaping, hardscape, common open space, areas and site lighting standards and fixtures, shall be recorded prior to or in conjunction with the Final Map. Said easement and agreement shall apply to all properties, and be referenced in the site Covenants, Conditions and Restrictions (CC&Rs).
- 10. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
- 11. For commercial, industrial, office or multi-family projects, all refuse enclosures are required to provide adequate space for recycling bins. The enclosure shall be architecturally compatible with the primary building. Gates shall be view obscuring and constructed of durable materials. Check with Paso Robles Waste Disposal to determine the adequate size of enclosure based on the number and

(Adopted by Planning Commission Resolution \_\_\_\_\_)

## Agenda Item 2

size of containers to be stored in the enclosure.

- 12. For commercial, industrial, office or multi-family projects, all existing and/or new ground-mounted appurtenances such as air-conditioning condensers, electrical transformers, backflow devices etc., shall be screened from public view through the use of decorative walls and/or landscaping subject to approval by the Community Development Director or his designee. Details shall be included in the building plans.
- 13. All existing and/or new roof appurtenances such as air-conditioning units, grease hoods, etc. shall be screened from public view. The screening shall be architecturally integrated with the building design and constructed of compatible materials to the satisfaction of the Community Development Director or his designee. Details shall be included in the building plans.
- 14. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and shall be subject to approval by the Community Development Director or his designee.
- 15. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the Development Review Committee, but specifically excluding precision block.
- 16. It is the property owner's responsibility to insure that all construction of private property improvements occur on private property. It is the owner's responsibility to identify the property lines and insure compliance by the owner's agents.
- 17. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No.835 N.S., Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to removal.
- 18. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
- 19. Prior to recordation of the map or prior to occupancy of a project, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.

(Adopted by Planning Commission Resolution \_\_\_\_\_)



## Agenda Item 2

- 20. Two sets of the revised Planning Commission approved plans incorporating all Conditions of Approval, standard and site specific, shall be submitted to the Community Development Department prior to the issuance of building permits.
- 21. Prior to the issuance of building permits, the
  - Development Review Committee shall approve the following:
  - Planning Division Staff shall approve the following:
    - a. A detailed site plan indicating the location of all structures, parking layout, outdoor storage areas, walls, fences, light fixtures and trash enclosures;
    - b. A detailed landscape plan;
    - c. Detailed building elevations of all structures indicating materials, colors, and architectural treatments;
    - d. Other: See Site Specific Conditions for additional DRC requirements.

### **B. GENERAL CONDITIONS – TRACT/PARCEL MAP:**

- 1. In accordance with Government Section 66474.9, the subdivider shall defend, indemnify and hold harmless the City, or its agent, officers and employees, from any claim, action or proceeding brought within the time period provided for in Government Code section 66499.37, against the City, or its agents, officers, or employees, to attack, set aside, void, annul the City's approval of this subdivision. The City will promptly notify subdivider of any such claim or action and will cooperate fully in the defense thereof.
- 2. The Covenants, Conditions, and Restrictions (CC&Rs) and/or Articles Affecting Real Property Interests are subject to the review and approval of the Community Development Department, the Public Works Department and/or the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the affected City Departments.
- 3. The owner shall petition to annex residential Tract (or Parcel Map)\_\_\_\_\_ into the City of Paso Robles Community Facilities District No. 2005-1 for the purposes of mitigation of impacts on the City's Police and Emergency Services Departments.
- 4. Street names shall be submitted for review and approval by the Planning Commission, prior to approval of the final map.
- 5. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:  

---

(Adopted by Planning Commission Resolution \_\_\_\_\_)

\*\*\*\*\*

**ENGINEERING DIVISION- The applicant shall contact the Engineering Division, (805) 237-3860, for compliance with the following conditions:**

All conditions marked are applicable to the above referenced project for the phase indicated.

**C. PRIOR TO ANY PLAN CHECK:**

- 1. The applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with the City.

**D. PRIOR TO ISSUANCE OF A GRADING PERMIT:**

- 1. Prior to approval of a grading plan, the developer shall apply through the City, to FEMA and receive a Letter of Map Amendment (LOMA) issued from FEMA. The developer's engineer shall provide the required supporting data to justify the application.
- 2. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No. 553, Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to its removal.
- 3. A complete grading and drainage plan shall be prepared for the project by a registered civil engineer and subject to approval by the City Engineer. The project shall conform to the City's Storm Water Discharge Ordinance.
- 4. A Preliminary Soils and/or Geology Report providing technical specifications for grading of the site shall be prepared by a Geotechnical Engineer.
- 5. A Storm Water Pollution Prevention Plan per the State General Permit for Storm Water Discharges Associated with Construction Activity shall be provided for any site that disturbs greater than or equal to one acre, including projects that are less than one acre that are part of a larger plan of development or sale that would disturb more than one acre.

**E. PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

- 1. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department Standards and Specifications.

(Adopted by Planning Commission Resolution \_\_\_\_\_)

## Agenda Item 2

- 2. The applicant shall submit a composite utility plan signed as approved by a representative of each public utility.
- 3. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require approval by the Streets Division Supervisor and the Community Development Department.
- 4. In a special Flood Hazard Area as indicated on a Flood Insurance Rate Map (FIRM) the owner shall provide an Elevation Certificate in accordance with the National Flood Insurance program. This form must be completed by a land surveyor or civil engineer licensed in the State of California.

**F. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR RECORDATION OF THE FINAL MAP:**

**The Planning Commission has made a finding that the fulfillment of the construction requirements listed below are a necessary prerequisite to the orderly development of the surrounding area.**

- 1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services.
- 2. All public improvements are completed and approved by the City Engineer, and accepted by the City Council for maintenance.
- 3. The owner shall offer to dedicate and improve the following street(s) to the standard indicated:

Street Name	City Standard	Standard Drawing No.
-------------	---------------	----------------------

- 4. If, at the time of approval of the final map, any required public improvements have not been completed and accepted by the City the owner shall be required to enter into a Subdivision Agreement with the City in accordance with the Subdivision Map Act.

Bonds required and the amount shall be as follows:  
Performance Bond.....100% of improvement costs.  
Labor and Materials Bond.....50% of performance bond.

- 5. If the existing City street adjacent to the frontage of the project is inadequate for the traffic generated by the project, or will be severely damaged by the construction, the applicant shall excavate the entire structural section and replace it with a standard half-width street plus a 12' wide travel lane and 8' wide graded shoulder adequate to provide for two-way traffic.

(Adopted by Planning Commission Resolution \_\_\_\_\_)

## Agenda Item 2

- 6. If the existing pavement and structural section of the City street adjacent to the frontage of the project is adequate, the applicant shall provide a new structural section from the proposed curb to the edge of pavement and shall overlay the existing paving to centerline for a smooth transition.
- 7. Due to the number of utility trenches required for this project, the City Council adopted Pavement Management Program requires a pavement overlay on \_\_\_\_\_ along the frontage of the project.
- 8. The applicant shall install all utilities. Street lights shall be installed at locations as required by the City Engineer. All existing overhead utilities adjacent to or within the project shall be relocated underground except for electrical lines 77 kilovolts or greater. All utilities shall be extended to the boundaries of the project.
- 9. The owner shall offer to dedicate to the City the following easement(s). The location and alignment of the easement(s) shall be to the description and satisfaction of the City Engineer:
  - a. Public Utilities Easement;
  - b. Water Line Easement;
  - c. Sewer Facilities Easement;
  - d. Landscape Easement;
  - e. Storm Drain Easement.
- 10. The developer shall annex to the City's Landscape and Lighting District for payment of the operating and maintenance costs of the following:
  - a. Street lights;
  - b. Parkway/open space landscaping;
  - c. Wall maintenance in conjunction with landscaping;
  - d. Graffiti abatement;
  - e. Maintenance of open space areas.
- 11. For a building with a Special Flood Hazard Area as indicated on a Flood Insurance Rate Map (FIRM), the developer shall provide an Elevation Certificate in accordance with the National Flood Insurance Program. This form must be completed by a lands surveyor or civil engineer licensed in the State of California.
- 12. All final property corners shall be installed.
- 13. All areas of the project shall be protected against erosion by hydro seeding or landscaping.
- 14. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's Source Reduction and Recycling Element.

(Adopted by Planning Commission Resolution \_\_\_\_\_)

- 15. Clear blackline mylars and paper prints of record drawings, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. An electronic autocad drawing file registered to the California State Plane – Zone 5 / NAD83 projected coordinate system, units in survey feet, shall be provided.

\*\*\*\*\*

**PASO ROBLES DEPARTMENT OF EMERGENCY SERVICES- The applicant shall contact the Department of Emergency Services, (805) 227-7560, for compliance with the following conditions:**

**G. GENERAL CONDITIONS**

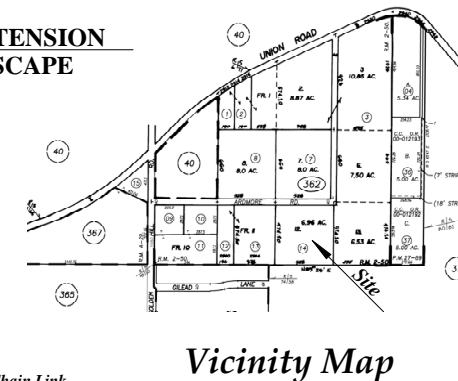
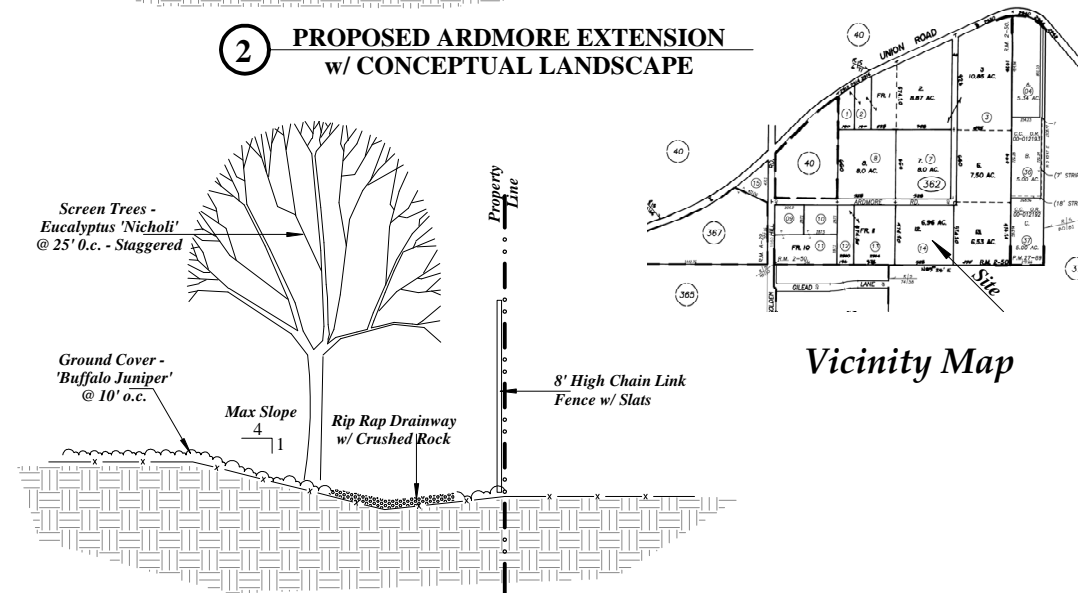
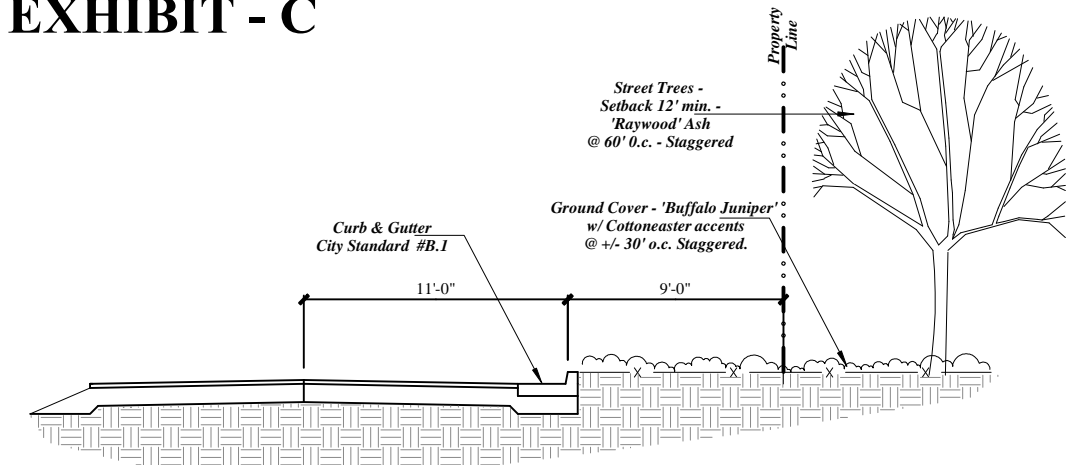
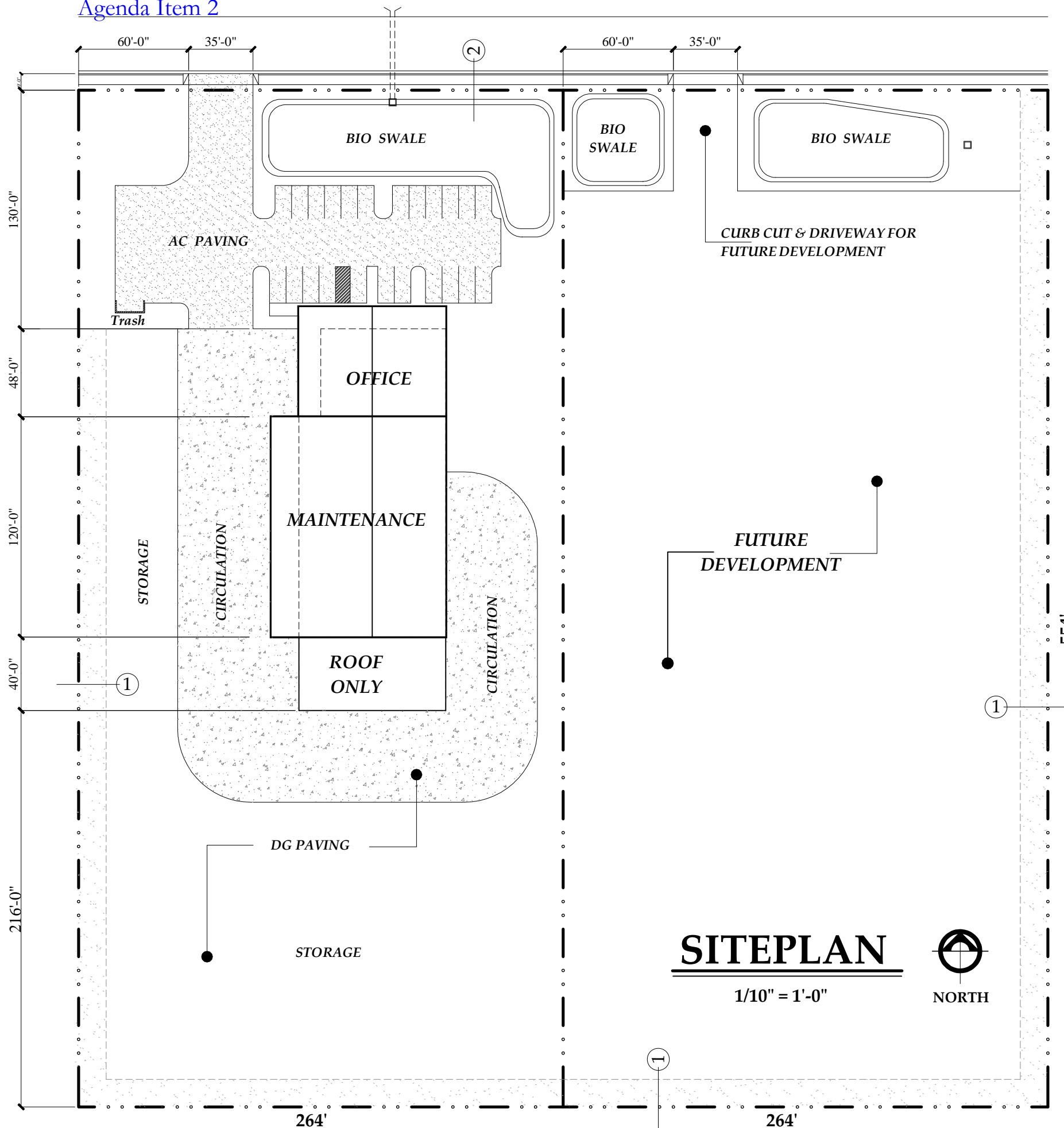
- 1.  Prior to the start of construction:
  - Plans shall be reviewed, approved and permits issued by Emergency Services for underground fire lines.
  - Applicant shall provide documentation to Emergency Services that required fire flows can be provided to meet project demands.
  - Fire hydrants shall be installed and operative to current, adopted edition of the California Fire Code.
  - A based access road sufficient to support the department’s fire apparatus (HS-20 truck loading) shall be constructed and maintained for the duration of the construction phase of the project.
  - Access road shall be at least twenty (20) feet in width with at least thirteen (13) feet, six (6) inches of vertical clearance.
  
- 2.  Provide central station monitored fire sprinkler system for all residential, commercial and industrial buildings that require fire sprinklers in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.
  - Plans shall be reviewed, approved and permits issued by Emergency Services for the installation of fire sprinkler systems.
  
- 3.  Provide central station monitored fire alarm system for all residential, commercial and industrial buildings that require fire alarm system in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.
  
- 4.  If required by the Fire Chief, provide on the address side of the building if applicable:
  - Fire alarm annunciator panel in weatherproof case.
  - Knox box key entry box or system.
  - Fire department connection to fire sprinkler system.

(Adopted by Planning Commission Resolution \_\_\_\_\_)

## Agenda Item 2

5.  Provide temporary turn-around to current City Engineering Standard for phased construction streets that exceed 150 feet in length.
6.  Project shall comply with all requirements in current, adopted edition of California Fire Code and Paso Robles Municipal Code.
7.  Prior to the issuance of Certificate of Occupancy:
  - Final inspections shall be completed on all underground fire lines, fire sprinkler systems, fire alarm systems and chemical hood fire suppression systems.
  - Final inspections shall be completed on all buildings.

(Adopted by Planning Commission Resolution \_\_\_\_\_)



**OWNER**  
SPURCO  
% DAVE SPURR  
PO BOX 1920  
PASO ROBLES, CA.  
93447 805.772.1781

**APN** 025-362-014  
**LAND USE** C3 - COMMERCIAL SERVICE  
**ZONING** C3 PD

**PARCEL 1 : CONSTRUCTION COMPANY SITE**

<b>SITE AREA -</b>	3.36 ACRES
<b>OFFICE -</b>	3264 SF
<b>MAINTENANCE BLDG. -</b>	9600 SF
<b>COVERED STORAGE -</b>	3200 SF

**SCREENED  
OUTSIDE STORAGE** +/- 1 ACRE  
(VEHICLES & MATERIALS)

**PARKING PROVIDED** 23 CARS

**PARCEL 2 : FUTURE DEVELOPMENT**

Revisions	By

**Owner :**  
Dave Spurr  
238.0834

**Architect :**  
Nick Gilman  
945012th St 'E'  
Paso Robles  
805.238.3432

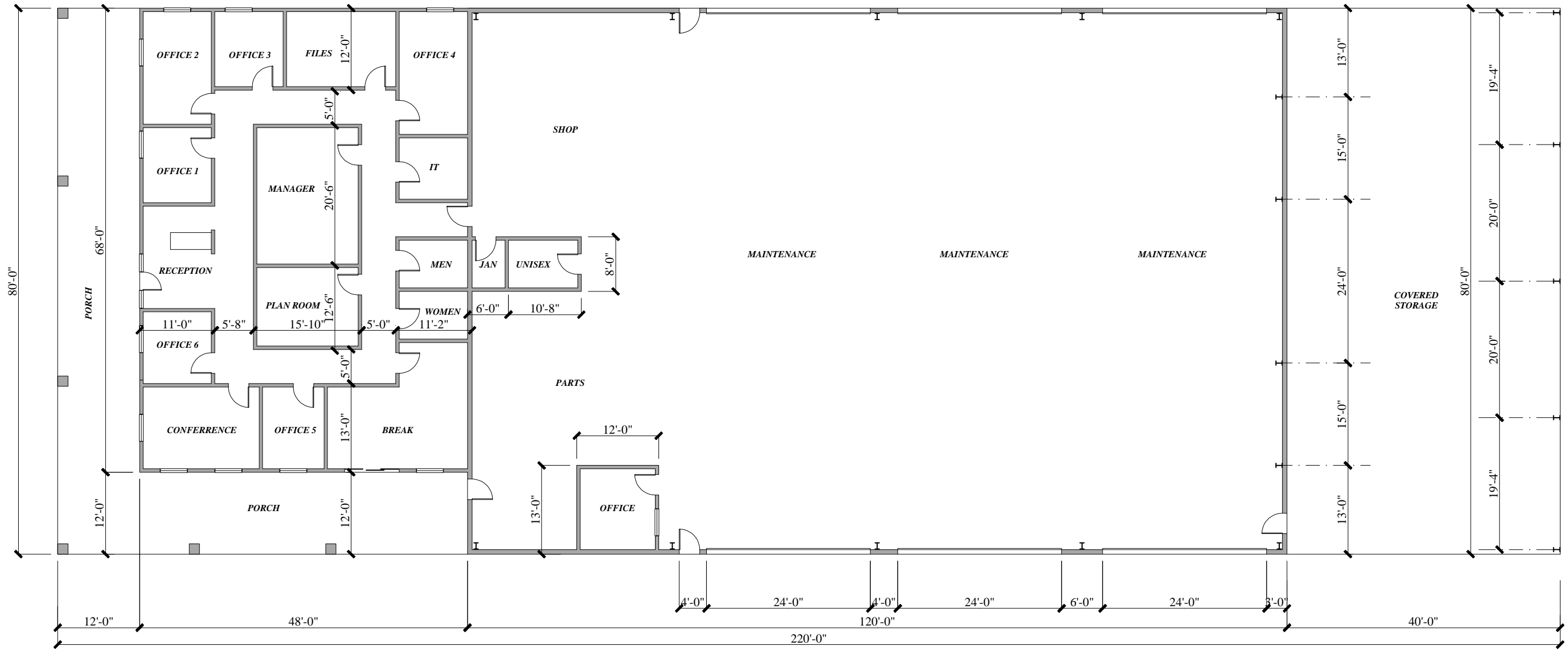
**SITEPLAN**

**SPURR  
DEVELOPMENT**

Drawn	
Checked	
Date	03.10.2017
Scale	
Job No.	
Sheet	

1





Revisions	By

Owner :  
Dave Spurr  
238.0834

Architect :  
Nick Gilman  
945012th St 'E'  
Paso Robles  
805.238.3432

**FLOORPLAN**

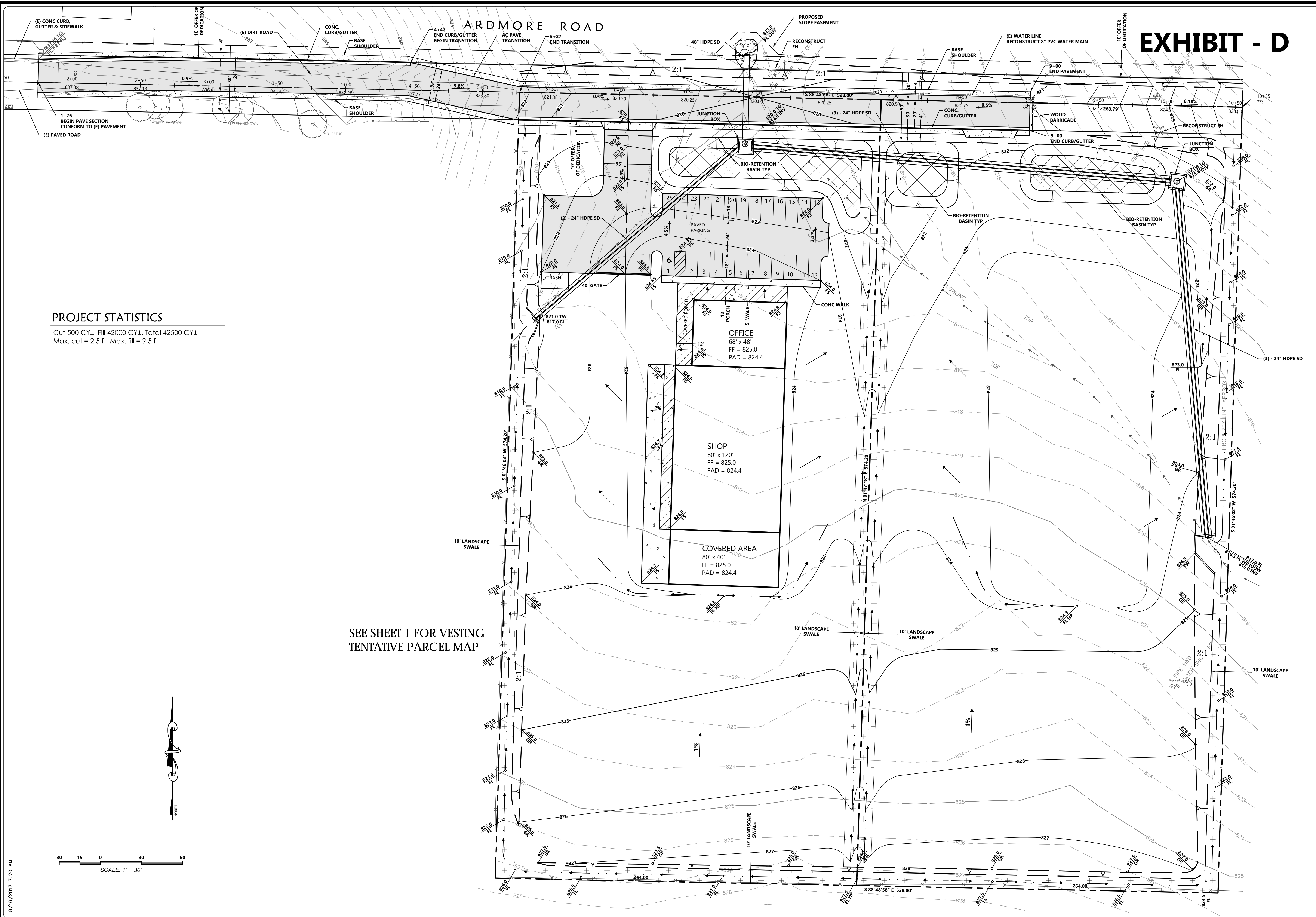
**SPURR DEVELOPMENT**

Drawn \_\_\_\_\_  
Checked \_\_\_\_\_  
Date **03.10.2017**  
Scale \_\_\_\_\_  
Job No. \_\_\_\_\_  
Sheet \_\_\_\_\_



# EXHIBIT - D

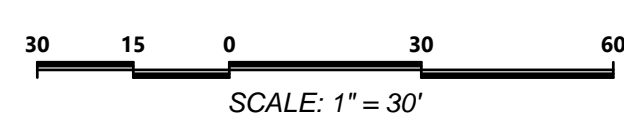
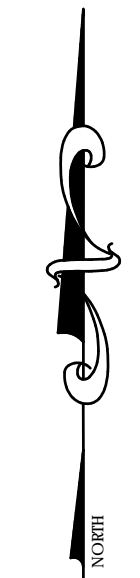
## ARDMORE ROAD



### PROJECT STATISTICS

Cut 500 CY±, Fill 42000 CY±, Total 42500 CY±  
 Max. cut = 2.5 ft, Max. fill = 9.5 ft

SEE SHEET 1 FOR VESTING TENTATIVE PARCEL MAP

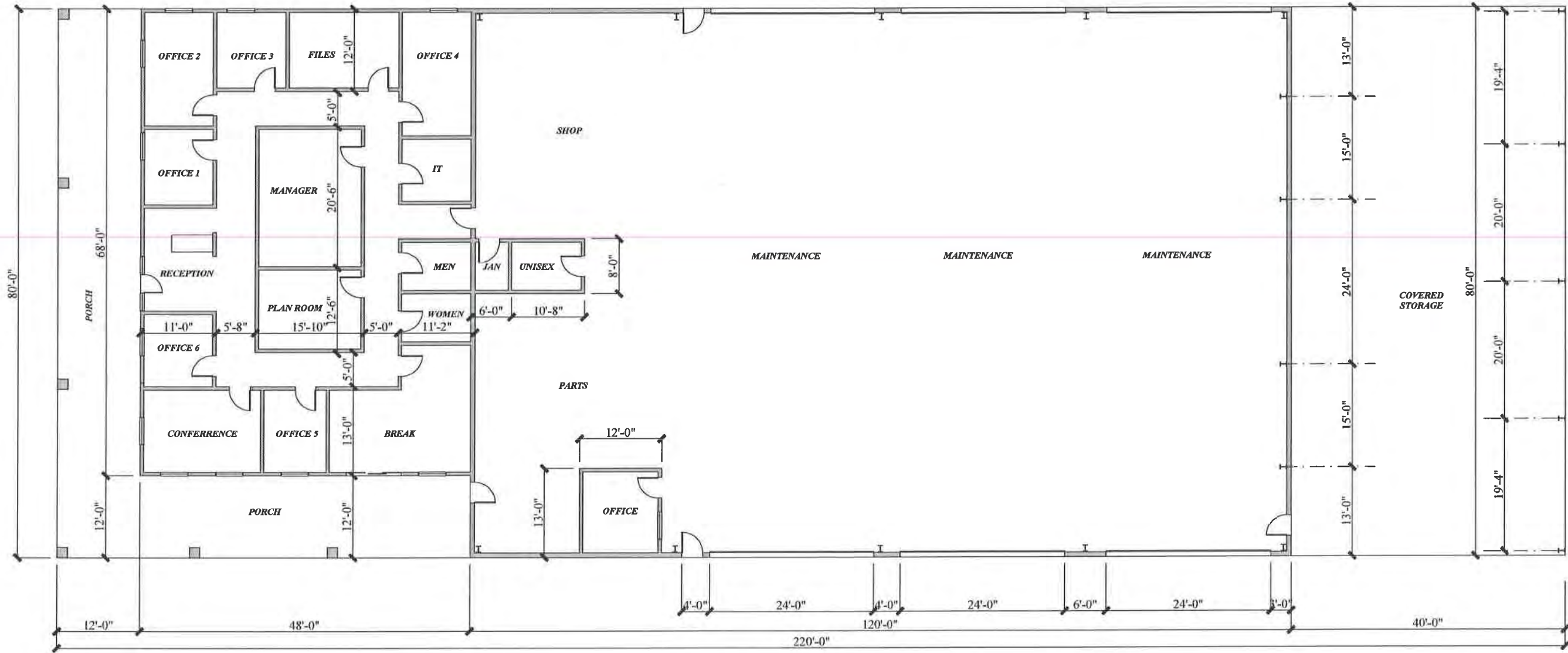


8/16/2017 7:20 AM

<b>Roberts Engineering, Inc.</b> Spurr Properties LLC - Ardmore Road Preliminary Grading & Drainage Plan	
Approved For City Requirements John Feldenshies, R.C.E. 53368 Exp. 08/2016 Date: 8/16/2017	City Plan Checker TR / JTM Job # 15-059 California Code of Regulations, Title 9, Section 01500
Record Drawings Timothy P. Roberts, R.C.E. 53368 Exp. 08/2016 Revision This Sheet: 1	City Public Works City M.C. No. 15-059 California Code of Regulations, Title 9, Section 01500 N 24291 00 E 5773230
<b>Roberts Engineering</b> Timothy P. Roberts Civil Engineer - RCE 35366 2015 Vista de la Vina Tempection, CA 94765 Phone (925) 238-6148 Email robertseng@charter.net	
SHEET	2



# EXHIBIT - E



Revisions	By

**Owner :**  
 Dave Spurr  
 238.0834

**Architect :**  
 Nick Gilman  
 945012th St E'  
 Paso Robles  
 805.238.3432

## FLOORPLAN

SPURR DEVELOPMENT

RECEIVED  
 MAR 13 2017  
 City of Paso Robles  
 Community Development Dept.

Drawn	
Checked	
Date	03.10.2017
Scale	
Job No.	

# EXHIBIT - F



MICHAEL YOST  
ARCHITECT  
LICENSE # 42514-027

DAVE SPURR  
ARCHITECT  
PASEO PASO ROBLES, CA  
PHONE  
951 234 3132



NORTH-WEST PERSPECTIVE  
SPURRO / DAVE SPURR EXCAVATING, INC.

SCALE NTS  
DATE 02.06.17  
REV

NORTH-WEST PERSPECTIVE

SHT 01/03

RECEIVED  
MAR 13 2017  
City of Paso Robles  
Community Development Dept.

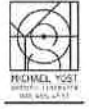
# EXHIBIT - G



SOUTH ELEVATION



EAST ELEVATION



NOTICE  
MCA 44514-CA-01  
MCA 44514-CA-01  
MCA 44514-CA-01  
MCA 44514-CA-01

ELEVATIONS  
SPURRICO / DAVE SPURR EXCAVATING, INC.

SCALE NTS  
DATE 03/26/17  
REV

SHT  
03/03

RECEIVED  
MAR 13 2017  
City of Paso Robles  
Community Development Dept



# EXHIBIT - H



NORTH ELEVATION



REGISTERED ARCHITECT  
DAVE SPURR  
NO. 1218  
PASO ROBLES, CA  
2017

ELEVATIONS  
SPURRCO / DAVE SPURR EXCAVATING, INC.

SCALE: N.T.S.  
DATE: 03.06.17  
REV:

SHT  
02/03



WEST ELEVATION

RECEIVED  
MAR 13 2017  
City of Paso Robles  
Community Development Dept

**A RESOLUTION OF  
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES  
APPROVING VESTING TENTATIVE PARCEL MAP 16-0245  
ARDMORE ROAD, APN: 025-362-014  
APPLICANT – DAVE SPURR**

**WHEREAS**, an application for Vesting Tentative Parcel Map PR 16-0245 has been filed by Nick Gilman, Architect on behalf of Dave Spurr, to subdivide a 7.2 acre site into two 3.6 acre parcels; and

**WHEREAS**, in conjunction with PR 16-0245, Planned Development (PD 17-001) and Conditional Use Permit (CUP 17-015) have been submitted proposing to develop the westerly parcel (Parcel 1) with a 16,000 square foot building for a construction company that would include offices and maintenance shop, with accessory outdoor storage of equipment and materials; and

**WHEREAS**, the easterly lot (Parcel 2) would be graded with Parcel 1 including providing underground utilities to accommodate future development, PD 17-001 & CUP 17-015; and

**WHEREAS**, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared for the project; and

**WHEREAS**, based on the information and analysis contained in the Initial Study, staff determined that the proposed project as designed, and with appropriate mitigation measures added as conditions of approval, will not result in significant environmental impacts, and a Mitigated Negative Declaration was prepared and circulated for public review and comment in full compliance with CEQA; and

**WHEREAS**, a duly noticed public hearing was conducted by the Planning Commission on November 14, 2017 on this project to accept public testimony on the Mitigated Negative Declaration and the proposed project; and

**WHEREAS**, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval listed below, the Planning Commission makes the following findings as required by Government Code Section 66474:

1. As conditioned, the proposed tentative subdivision map is consistent with the adopted General Plan for the City of El Paso de Robles by providing areas for commercial recreation and tourism related development.
2. As conditioned, the design of lots, streets, open space, drainage, sewers, water and other improvements is consistent with the General Plan and Zoning Ordinance.
3. The site is physically suitable for the type and density of development proposed.
4. The design of the subdivision is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and types of improvements proposed are not likely to cause serious public health problems.



## Agenda Item 2

6. The design of the subdivision and the type of improvements proposed will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of El Paso de Robles does hereby grant tentative parcel map approval VTPM 16-0245 subject to the following conditions of this resolution:

### **STANDARD CONDITIONS:**

1. The applicant/developer shall comply with those standard conditions which are indicated as applicable in "Exhibit A" to this resolution. When future applications are submitted to the City for development of the newly created lots, additional site specific conditions will apply. Note: All checked standard conditions shall apply unless superseded by a site specific condition.

### **COMMUNITY DEVELOPMENT SITE SPECIFIC CONDITIONS:**

NOTE: In the event of conflict or duplication between standard and site specific conditions, the site specific condition shall supersede the standard condition.

2. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

<b><u>EXHIBIT</u></b>	<b><u>DESCRIPTION</u></b>
A.	Parcel Map Conditions of Approval
B.	Vesting Tentative Parcel Map 16-0245
C.	Preliminary Grading Plan

3. Vesting Tentative Parcel Map 16-0245 authorizes the subdivision of a 7.2 acre site into two 3.6 acre parcels.
4. The Final Subdivision Map shall be in substantial compliance with the tentative subdivision map (Exhibit B) and preliminary grading plan (Exhibits C), reductions attached; full size copies are on file in the Community Development Department) and as amended by site specific and standard conditions contained in this resolution.
5. Grading of the tract shall be consistent with City's applicable Grading Regulations.

**PASSED AND ADOPTED THIS** 14<sup>th</sup> day of November, 2017 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
John Donaldson, Chairman

ATTEST:

\_\_\_\_\_  
Warren Frace, Secretary of the Planning Commission

# Exhibit A

## Parcel Map Conditions of Approval

### (Vesting Tentative Parcel Map PR 16-0245, Spurr - Ardmore Rd.)

1. The property shall be connected to sewer prior to recordation of the final Map or any amendments to add additional buildings or uses to the development plan.
2. Prior to final grading approval, the applicant shall construct the remaining unimproved portions of Ardmore Road to the eastern property line in accordance with plans approved by the City Engineer.
3. The Applicant's plans must be coordinated with neighboring development to ensure proper alignment and construction.
4. The applicant shall connect to sewer when it is available in Ardmore Road or as part of future development plans.
5. Prior to occupancy, overhead utilities on the west boundary of the property shall be relocated underground.
6. Grading for the project shall include low impact development best management practices and storm water infiltration devices.
7. The future development of Parcel 2 of PR 16-0245 shall be subject to the processing of a Development Plan and Conditional Use Permit as required by Chapter 21.13.030.F.

**Standard Conditions of Approval (The following are the checked boxes from Standard Conditions, Exhibit B to Res. 17-\_\_\_\_\_ (PD/CUP Resolution) that specifically apply to the Parcel Map:**

**B. GENERAL CONDITIONS – TRACT/PARCEL MAP:**

1. In accordance with Government Section 66474.9, the subdivider shall defend, indemnify and hold harmless the City, or its agent, officers and employees, from any claim, action or proceeding brought within the time period provided for in Government Code section 66499.37, against the City, or its agents, officers, or employees, to attack, set aside, void, annul the City's approval of this subdivision. The City will promptly notify subdivider of any such claim or action and will cooperate fully in the defense thereof.

## Agenda Item 2

### **C. PRIOR TO ANY PLAN CHECK:**

- 1. The applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with the City.

### **D. PRIOR TO ISSUANCE OF A GRADING PERMIT:**

- 3. A complete grading and drainage plan shall be prepared for the project by a registered civil engineer and subject to approval by the City Engineer. The project shall conform to the City's Storm Water Discharge Ordinance.
  
- 5. A Storm Water Pollution Prevention Plan per the State General Permit for Storm Water Discharges Associated with Construction Activity shall be provided for any site that disturbs greater than or equal to one acre, including projects that are less than one acre that are part of a larger plan of development or sale that would disturb more than one acre.

### **E. PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

- 1. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department Standards and Specifications.

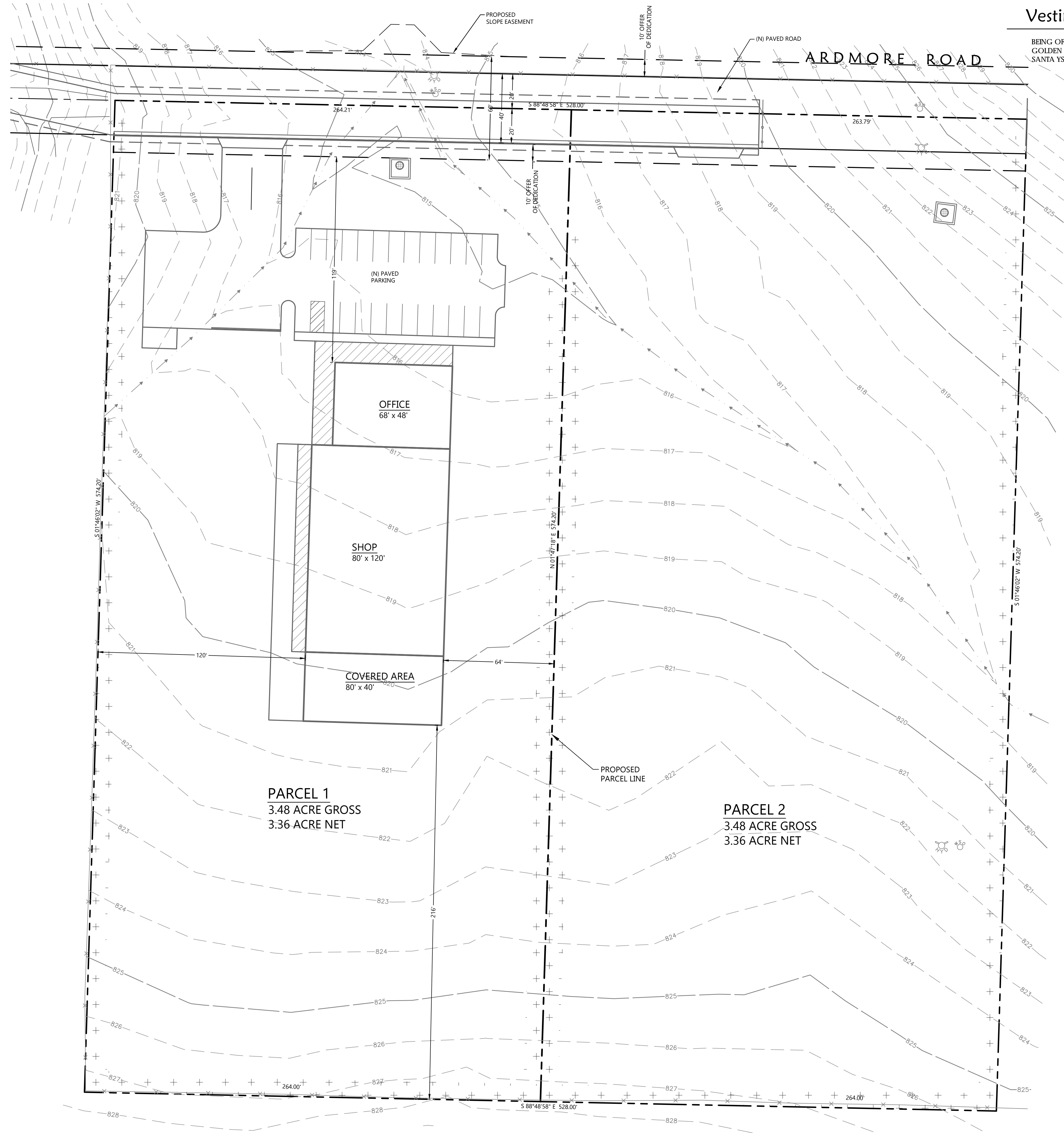
### **F. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR RECORDATION OF THE FINAL MAP:**

**The Planning Commission has made a finding that the fulfillment of the construction requirements listed below are a necessary prerequisite to the orderly development of the surrounding area.**

- 2. All public improvements are completed and approved by the City Engineer, and accepted by the City Council for maintenance.
  
- 12. All final property corners shall be installed.
  
- 14. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's Source Reduction and Recycling Element.
  
- 15. Clear blackline mylars and paper prints of record drawings, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. An electronic autocad drawing file registered to the California State Plane – Zone 5 / NAD83 projected coordinate system, units in survey feet, shall be provided.

# Vesting Tentative Parcel Map PR 16-0245

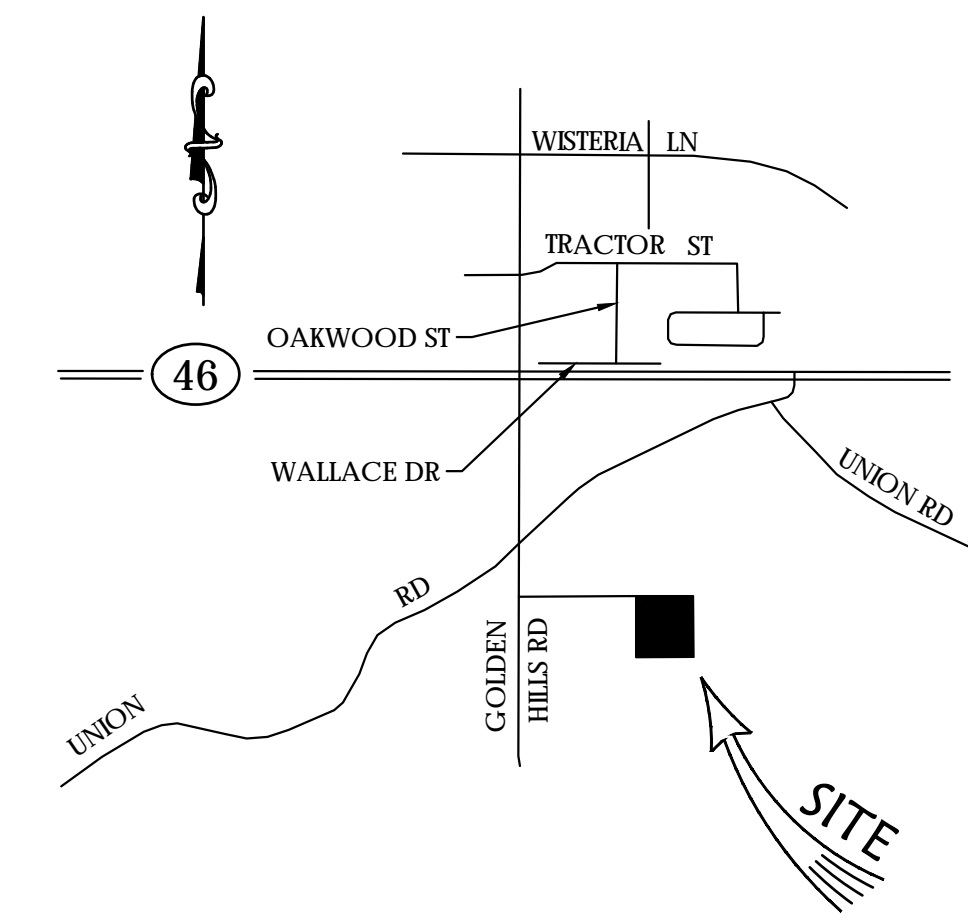
BEING OF SUBDIVISION OF LOT 12 OF THE MAP OF THE PLAT OF THE GOLDEN HILL ORCHARD TRACT AND A PORTION OF LOTS 14-16 OF THE SANTA YSABEL RANCHO PER 2/MB/50. APN 025-362-014



## EXHIBIT - B

### VICINITY MAP

Not to Scale



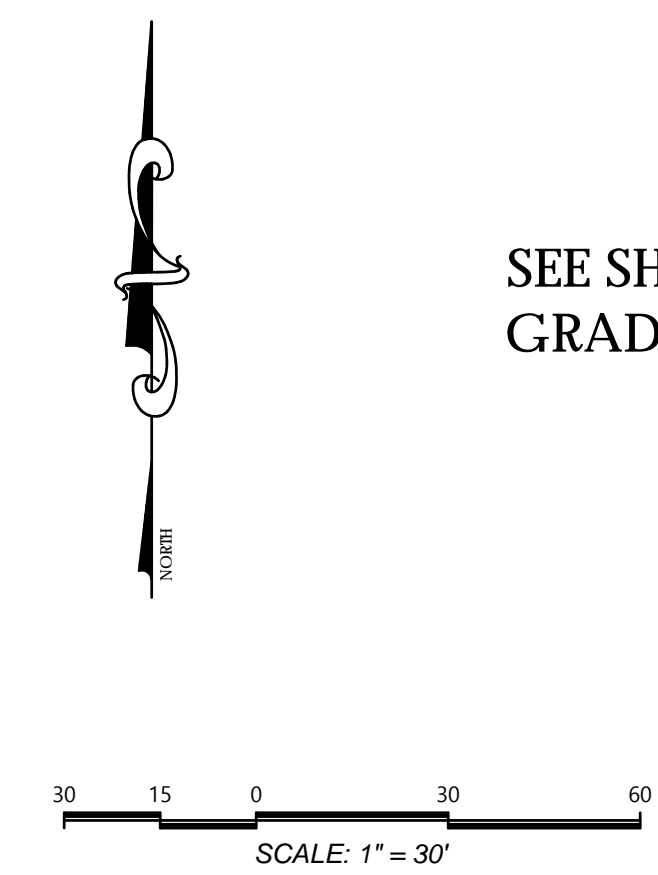
### PROPERTY OWNER

Spur Properties LLC  
C/o Dave Spurr  
P.O. Box 1920  
Paso Robles, CA 93447

### PARCEL STATISTICS

Existing Lot 12	6.96 ACRE GROSS 6.72 ACRE NET
Proposed Parcel 1	3.48 ACRE GROSS 3.36 ACRE NET
Proposed Parcel 2	3.48 ACRE GROSS 3.36 ACRE NET

SEE SHEET 2 FOR PRELIMINARY GRADING & DRAINAGE PLAN



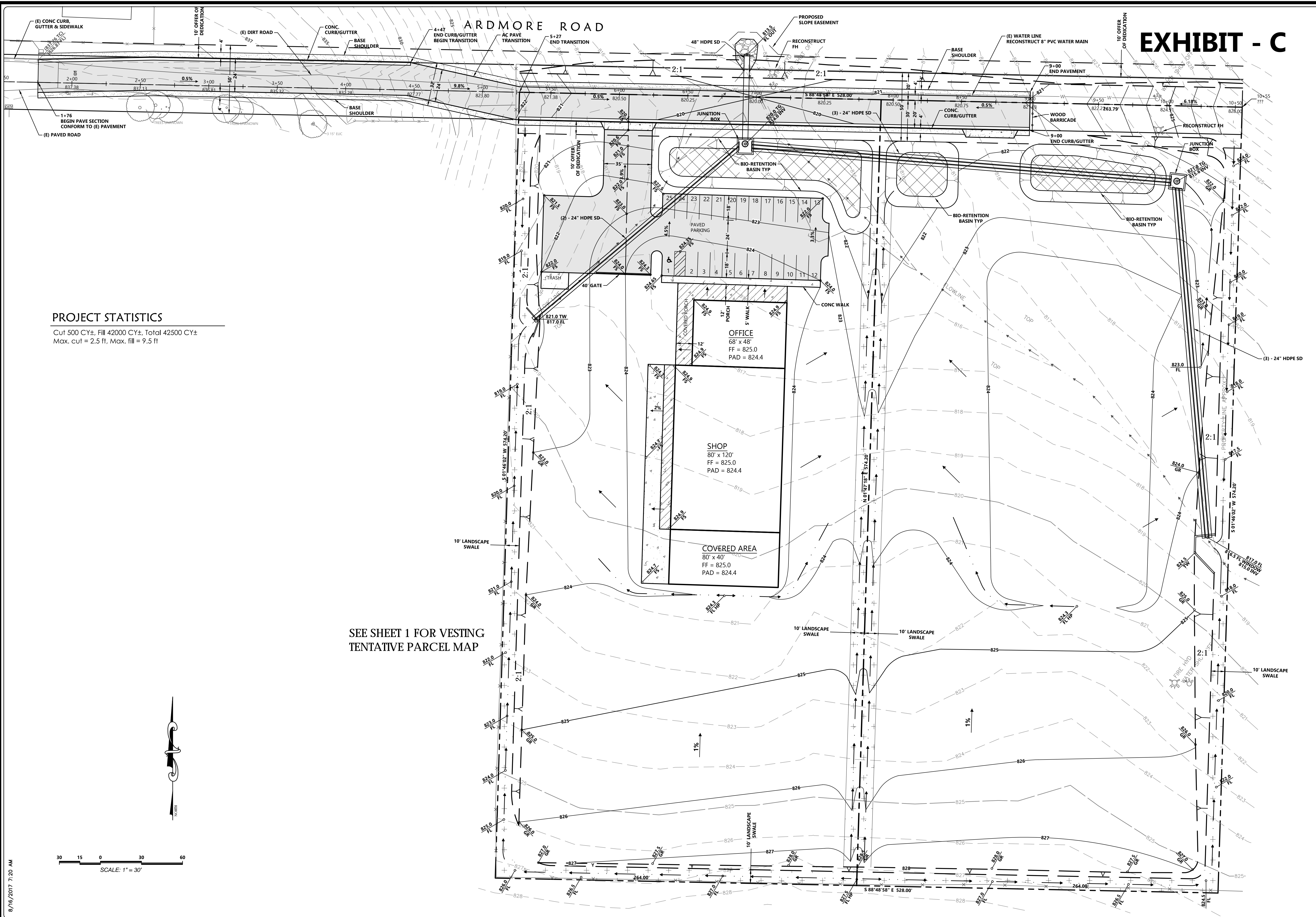
8/16/2017 7:20 AM

	<b>Roberts Engineering, Inc.</b>		
	Spurr Properties LLC - Ardmore Road		Vesting Tentative Parcel Map PR 16-0245
Approved for City Requirements	Date	Date	Date
John F. Roberts, R.C.E. 35366 Exp. 09/30/16		Timothy P. Roberts, R.C.E. 35366 Exp. 09/30/17	8/16/2017
City Plan Checker	City W/C No.	California Code of Regulations, CCS 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	N 24291 00 E 5773230
Design/Drawn	TR / JTM	Job #	15-059
Record Drawings	Date	Date	Date
Timothy P. Roberts, R.C.E. 35366 Exp. 09/30/15		Timothy P. Roberts, R.C.E. 35366 Exp. 09/30/17	
Revisions to this Sheet:	1	2	3
1	2	3	4
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91	92		



# EXHIBIT - C

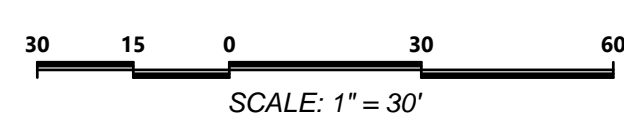
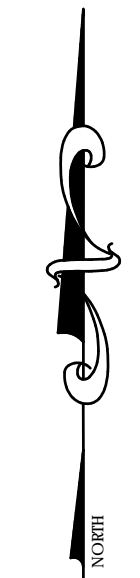
## ARDMORE ROAD



### PROJECT STATISTICS

Cut 500 CY±, Fill 42000 CY±, Total 42500 CY±  
 Max. cut = 2.5 ft, Max. fill = 9.5 ft

SEE SHEET 1 FOR VESTING TENTATIVE PARCEL MAP



8/16/2017 7:20 AM

<b>Roberts Engineering, Inc.</b> Spurr Properties LLC - Ardmore Road Preliminary Grading & Drainage Plan	
Approved For City Requirements Job# 15-059 Date 8/16/2017	City/Plan Checker TR / JTM Job # 15-059 California Code of Regulations, Title 9, Section 01500
Record Drawings Timothy P. Roberts, RCE 35366 exp 09/30/17 Revision This Sheet: 1	City/Plan No. City/Plan No. California Code of Regulations, Title 9, Section 01500 N 24291 00 E 5773230
<b>Roberts Engineering</b> Timothy P. Roberts Civil Engineer - RCE 35366 2015 Vista de la Vina Tempection, CA 94765 Phone (925) 238-6148 Email robertseng@charter.net	
SHEET	2



ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM  
 CITY OF PASO ROBLES  
 SPURR CONSTRUCTION BUILDING AND EQUIPMENT YARD

**1. PROJECT TITLE:** **Planned Development PD 17-001, Conditional Use Permit 17-015 and Tentative Parcel Map PR 16-0245**

**Concurrent Entitlements:**

**2. LEAD AGENCY:** City of Paso Robles  
 1000 Spring Street  
 Paso Robles, CA 93446  
**Contact:** Darren Nash, Associate Planner  
**Phone:** (805) 237-3970

**3. PROJECT LOCATION:** East end of Ardmore Road, Paso Robles, CA (APN: 025-362-014) See Vicinity Map, Attachment 2.

**4. PROJECT PROPONENT:** Dave Spurr  
**Contact Person:** Dave Spurr  
**Phone:** (805) 238-0834  
**Email:** dave@SpurrCo.com

**5. GENERAL PLAN DESIGNATION:** CS (Commercial Service)

**6. ZONING:** C3-PD (Commercial- Light Industrial, Planned Development Overlay)

**7. PROJECT DESCRIPTION:** The project consists of subdividing a 7.2-acre parcel into two 3.6 acre parcels and developing the westerly parcel (Parcel 1) with a 16,000 square foot building for a construction company that would include offices and maintenance shop. As an accessory to the building is an outdoor storage yard for equipment and materials. The easterly lot (Parcel 2) would be graded with Parcel 1 including underground utilities to accommodate future development. Both lots would be fenced. See Site Plan, Attachment 3.

**8. ENVIRONMENTAL SETTING:** The 7.2-acre site is currently undeveloped. Stockpile management activities that have taken place over the past two years have reduced vegetation cover of the site. Currently the property is primarily bare of soils with a small strip of disked and mowed annual grassland present along the southern and western property line. Two broad, shallow topographic swale features were present onsite. Neither feature exhibited defined bed or bank structure or an ordinary high water mark. There are no trees located on site.

The project proposes to import approximately 42,000 cubic yards of fill to create the development pad areas for both lots 1 and 2 (some of which consists of the stockpile of dirt currently on site).

## Agenda Item 2

A Biological Study has been provided that addresses the biological impacts of the project, including the swales mentioned above.

9. **OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED):** Air Pollution Control District, Regional Water Quality Control Board



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gas Emissions        | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning             | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing            | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic          | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: \_\_\_\_\_

Date \_\_\_\_\_

### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. “Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significance

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
--	---	---	---	----------------------

**I. AESTHETICS:** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The site is located in an area where there is existing large acreage residential uses in an area of the City that is zoned for commercial and light-industrial uses (C3). There is existing adjacent industrial uses such as the Case Pacific construction office and outdoor storage yard. The Paso Robles School District bus maintenance yard is also located on Ardmore Road, at Golden Hill Road. The other surrounding properties consist of existing residential on C3 zoned land. The project site is not located on a scenic vista and does not include scenic resources, therefore there is no impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site does not include scenic resources, therefore there is no impact. There are no trees located on the site.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: This site is zoned C3-PD, and since it has PD Overlay Zoning, a development plan is required. In addition to the PD requirement, Section 21.13 of the Zoning Code requires a conditional use permit to be processed. The overlay zoning along with the special conditions, is required to give the Planning Commission the opportunity to review land use proposals to insure quality development is approved in this area of the City. Since this C3-PD area is in proximity to residential uses/zones, through the PD/CUP process, conditions can be added to improve the aesthetics of the project and to reduce impacts on neighboring residential uses.

The zoning code requires outdoor storage yards to be thoroughly screened with screening fencing and landscaping. With conditions for screened fencing and landscaping required as a result of the PD/CUP the outdoor storage area will be screened. This projects impacts on visual character will be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?<br>(Sources: 1, 2, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
---	---	---	----------------------

Discussion:

Standard conditions require that all new lighting be adequately shielded. A condition of approval requires Staff to review light fixtures for proper shielding prior to the issuance of a building permit.

**II. AGRICULTURE AND FOREST RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Discussion: The project site is designated in the General Plan and is zoned on the City's Zoning Map for commercial development. The property is not identified in the City General Plan, Conservation Element (Figure OS-1, Important Farmland) as having either prime or unique farmland of statewide importance. Therefore, the project would not result in impacts on converting prime or other significant soils to urban land uses.

- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Discussion: The site is not under Williamson Act contract, nor is it currently used for agricultural purposes.

- c. Conflict with existing zoning for, or cause rezoning of, forest, land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 5114(g))?

Discussion: There are no forest land or timberland resources within the City of Paso Robles.

- d. Result in the loss of forest land or conversion of forest land to non-forest use?

Discussion: See II c. above.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: No farmland is located within the near vicinity of the project site. Properties to northeast, northwest, west, and south of the property are zoned commercial. The properties that surround the subject site are also zoned C3 and are intended to be developed with commercial and light-industrial uses. The development of this project would not have a significant impact to agricultural or forestry resources.

---

**III. AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan? (Source: Attachment 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: Attachment 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
d. Expose sensitive receptors to substantial pollutant concentrations? (Source: Attachment 4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion (a-d):

The San Luis Obispo County area is a non-attainment area for the State standards for ozone and suspended particulate matter. The SLO County Air Pollution Control District (APCD) administers a permit system to ensure that stationary sources do not collectively create emissions which would cause local and state standards to be exceeded. The potential for future project development to create adverse air quality impacts falls generally into two categories: Short term and Long term impacts.

Short term impacts are associated with the grading and development portion of a project where earth work generates dust, but the impact ends when construction is complete. Long term impacts are related to the ongoing operational characteristics of a project and are generally related to vehicular trip generation and the level of offensiveness of the onsite activity being developed.

There will be short term impacts associated with grading for the proposed construction, standard conditions required by the City as well as the APCD will be implemented.

When reviewing the grading of the 7-acre site, since the disturbed area of grading exceeds the 4-acre threshold, described in footnote 2 of Table 2-1 of the APCD CEQA Handbook (April 2012), indicating that the pollutants produced as a result of construction activities is greater than the 2.5 ton PM 10 quarterly threshold. Therefore in order to bring the impacts to air quality as a result of this project, to less than significant, dust control mitigation, as well as other standard requirements related to construction emissions reduction is required. Standard conditions related to dust control, construction equipment emissions, and other standard air quality requirements will be required with the issuance of a grading permit for this project. Therefore, when applying the air quality mitigations outlined in the Mitigation Monitoring and Reporting table (Attachment 3) to this project, impacts from this project on air quality will be less than significant.

e. Create objectionable odors affecting a substantial number of people? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: It is possible that the activities within the maintenance shop, which would include the service and repair of diesel powered equipment may produce emission exhaust which could result in odor, based on the proximity of the shop to existing residential homes over 200-feet away, it is not anticipated that odor would affect a substantial number of people, and would therefore be less than significant.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**IV. BIOLOGICAL RESOURCES:** Would the project:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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A Biological Report was prepared by Kevin Merk Associates, LLC, dated September 8, 2017 (See Attachment 4). The survey studied an approximate 7- acre study area for biological resources. The Biological Study concludes that mitigation is necessary to minimize potential impacts to special status plant and wildlife species during grading activities. The study provides a list of Best Management Practices to reduce potential impacts to American Badger, Nesting Birds, and San Joaquin Kit Fox.

The mitigation measures are listed in the Mitigation Monitoring and Reporting Table, Attachment 1 to this Initial Study. With the incorporation of the mitigation measures this projects impacts on Biological Resources will be less than significant.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The Biological Study does not indicate that the site contains riparian habitat or sensitive natural community. This projects impacts on riparian and sensitive habitats are less than significant.

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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The Biological Study indicates that there are two swale features observed onsite and were determined to not be subject to Clean Water Act or California Fish and Game Code jurisdiction due to a lack of defined bed and bank structure. In addition, consultation with the RWQCB confirmed that similar to the Case Pacific project site to the north, they would not regulate the swales as waters of the state pursuant to the Porter Cologne Act due to lack of wetland habitat and low beneficial uses. Therefore, this projects impacts on protected wetlands is less than significant.

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The project site is located within an area that is considered an important migration area for the San Jouquin Kit Fox. The area is within an established 3:1 mitigation area recognized by the County and the California Department of Fish and Wildlife. The Biological Report indicates that a 7.2-acre area will be disturbed for the development of both Parcel 1 and Parcel 2 of PR 16-0245. The disturbed area will permanently remove kit fox habitat area and is required to be mitigated at a 3:1 mitigation ratio.

The mitigation measures are listed in the Mitigation Monitoring and Reporting Table, Attachment 1 to this Initial Study. With the incorporation of the mitigation measures this projects impacts on Kit Fox habitat, will be less than significant.

- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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There are no oak trees or other biological resources on this site that are protected by policy or ordinance, therefore there is no impact to this biological factor.

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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Discussion (f): There is no Conservation Plans adopted for the City of Paso Robles, therefore there is no impact.

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**V. CULTURAL RESOURCES:** Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Discussion (a-d): There are no historic resources (as defined), located on the site. There are also no archaeological or paleontological resources known to be present on the site or in the near vicinity. Since the property is not located within proximity to a creek or river or known cultural resource it is unlikely that there are resources located on the site.

There are no known human remains on the project site, however per conditions of approval incorporated into the project, if human remains are found during site disturbance, all grading and/or construction activities shall stop, and the County Coroner shall be contacted to investigate.

Therefore, this project will result in less than significant impacts on cultural resources.

Letters were sent to six tribes who requested notification for development plans as outlined in AB 52. The City received one request by Salinan Tribe of Monterey suggesting that a Phase I Cultural Study be performed. As mentioned above, based on the location and characteristics, it is unlikely that there are cultural resources.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**VI. GEOLOGY AND SOILS:** Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Sources: 1, 2, & 3)

*Discussion:* The potential for and mitigation of impacts that may result from fault rupture in the project area are identified and addressed in the General Plan EIR, pg. 4.5-8. There are two known fault zones on either side of the Salinas Rivers valley. The Rinconada Fault system runs on the west side of the valley, and grazes the City on its western boundary. The San Andreas Fault is on the east side of the valley and is situated about 30 miles east of Paso Robles. The City of Paso Robles recognizes these geologic influences in the application of the California Building Code (CBC) to all new development within the City. Review of available information and examinations indicate that neither of these faults is active with respect to ground rupture in Paso Robles. Soils and geotechnical reports and structural engineering in accordance with local seismic influences would be applied in conjunction with any new development proposal. Based on standard conditions of approval, the potential for fault rupture and exposure of persons or property to seismic hazards is not considered significant. There are no Alquist-Priolo Earthquake Fault Zones within City limits.

ii. Strong seismic ground shaking? (Sources: 1, 2, & 3)

*Discussion:* The proposed project will be constructed to current CBC codes. The General Plan EIR identified impacts resulting from ground shaking as less than significant and provided mitigation measures that will be incorporated into the design of this project including adequate structural design and not constructing over active or potentially active faults. Therefore, impacts that may result from seismic ground shaking are considered less than significant.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
iii. Seismic-related ground failure, including liquefaction? (Sources: 1, 2 & 3)  Discussion: Per the General Plan EIR, the project site is located in an area with soil conditions that have a low potential for liquefaction or other type of ground failure due to seismic events and soil conditions. To implement the EIR's mitigation measures to reduce this potential impact, the City has a standard condition to require submittal of soils and geotechnical reports, which include site-specific analysis of liquefaction potential for all building permits for new construction, and incorporation of the recommendations of said reports into the design of the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?  Discussion: Per the General Plan Safety Element, the project site is in an area that is designated a low-risk area for landslides. Therefore, potential impacts due to landslides is less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (Sources: 1, 2, & 3)  Discussion: Per the General Plan EIR the soil condition is not erosive or otherwise unstable. As such, no significant impacts are anticipated. A geotechnical/ soils analysis will be required prior to issuance of grading permit that will evaluate the site specific soil stability and suitability of grading and retaining walls proposed. This study will determine the necessary grading techniques that will ensure that potential impacts due to soil stability will not occur. An erosion control plan shall be required to be approved by the City Engineer prior to commencement of site grading.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?  Discussion: See response to item a.iii, above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code, creating substantial risks to life or property?  Discussion: See response to item a.iii, above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a-d): The development will be connected to the City’s municipal wastewater system, therefore there would not be impacts related use of septic tanks.

**VII. GREENHOUSE GAS EMISSIONS:** Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion (a-b):

When reviewing the grading of the 7-acre site with the APCD CEQA Handbook (April 2012), the project does produce more than the 25 lbs/day of ROG+NOx and therefore be considered less than significant with mitigation required for dust related impacts during grading. Standard conditions related to dust control and reduced emissions for construction equipment will be required with the issuance of a grading permit for this project. See Air Quality mitigation measures in the Mitigation Monitoring and Reporting table, Attachment 1.

**VIII. HAZARDS AND HAZARDOUS MATERIALS:** Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The operation of construction office, maintenance shop and equipment storage on the site will not include hazardous materials.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: The operation of construction office, maintenance shop and equipment storage on the site will not include hazardous materials.				
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: The operation of construction office, maintenance shop and equipment storage on the site will not include hazardous materials.				
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: The undeveloped site is not anticipated to contain hazardous waste materials on site.				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: (e. & f.) The project site is not located within an airport safety zone.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project will not impair or interfere with adopted emergency response routes or plans.

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project is not in the vicinity of wildland fire hazard areas.

**IX. HYDROLOGY AND WATER QUALITY:** Would the project:

a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project has been designed to handle its storm water on-site. A storm water control plan has been provided. This project will be required to comply with all storm water regulations, therefore, impacts as result of the development of this project on storm water will be less than significant.

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., Would the production rate of pre-existing nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would decreased rainfall infiltration or groundwater recharge reduce stream baseflow? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project is required to hook up to City municipal water system. The operation of construction office, maintenance shop and equipment storage will have a very low water demand.



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	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
Impacts to the aquifer will be less than significant.				
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: As noted in the Biological section of this Initial Study, the grading project will impact two broad shallow, low gradient swales that run through the property and are not expected to be regulated by the Corps or the RWQCB, pursuant to the Clean Water Act. A condition of approval has been provide to retain any necessary permitting by the RWQCB prior to the issuance of grading permit. Based on the swale not being categorized as a river or stream, this project impacts will be less than significant.

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: See IX c. above. Drainage resulting from development of this property will be maintained onsite and will not contribute to flooding on- or off-site. Thus, flooding impacts from the project are considered less than significant.

e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: As noted in IX a. above, surface drainage will be managed onsite and will not add to offsite drainage facilities. Additionally, onsite LID drainage facilities will be designed to clean pollutants before they enter the groundwater basin. Therefore, drainage impacts that may result from this project would be less than significant.

f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: See answers IX a. – e. This project will result in less than significant impacts to water quality.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: There is no housing associated with this project nor is there any housing in the near vicinity downstream from the site and the site is not within or near a flood hazard area. Therefore this project could not result in flood related impacts to housing.

h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: See IX h. above.

i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: See IX h. above. Additionally, there are no levees or dams in the City.

j. Inundation by mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: In accordance with the Paso Robles General Plan, there is no mudflow hazards located on or near the project site. Therefore, the project could not result in mudflow inundation impacts.

k. Conflict with any Best Management Practices found within the City's Storm Water Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will implement the City's Storm Water Management Plan - Best Management Practices, and would therefore not conflict with these measures.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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1. Substantially decrease or degrade watershed storage of runoff, wetlands, riparian areas, aquatic habitat, or associated buffer zones?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will incorporate all feasible means to manage water runoff on the project site. There is no wetland or riparian areas in the near vicinity, and the project could not result in impacts to aquatic habitat. Therefore, the project will not result in significant impacts to these resources.

**X. LAND USE AND PLANNING:** Would the project:

- a. Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project consists of subdividing a 7-acre site into two 3.5 acre parcels and to establish a contractor facility consisting of a 16,000 square foot building for office and equipment maintenance with an accessory equipment storage yard on proposed Parcel 1, with the future development of proposed Parcel 2 with a similar type project/use. Based on the subject site having a Commercial Service Land Use designation, and a Commercial/Light-Industrial zoning designation. There will be no impact to this environmental factor.

- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The property is zoned C-3 (Commercial – Light Industrial). The C3 zoning district allows outdoor storage of vehicles and equipment as the primary use with the approval of a Conditional Use Permit (CUP). A CUP is being processed as part of this project which will establish conditions of approval for the use, therefore there impacts on land use and zoning is less than significant.

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion (c): There are no conservation plans associated with this property.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XI. MINERAL RESOURCES:** Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There are no known mineral resources at this project site.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There are no known mineral resources at this project site.

**XII. NOISE:** Would the project result in:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed construction office, maintenance shop, and storage yard is a use that is anticipated in the C3 zone. The project will not expose people to significant noise levels beyond established policies.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project may result in short term construction noise and vibration from machinery, however, the construction noise is not anticipated to be excessive nor operate in evening hours. Therefore, impacts from groundborne vibration noise would be considered less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See discussion on Section a. above.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discussion: See discussion on Section a. above.				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion : The project is not located within the geographic boundaries of the Airport Land Use Plan, therefore there is no impact.				

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**XIII. POPULATION AND HOUSING:** Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a-c): The project site is currently undeveloped, vacant land and jobs created can be absorbed by the local and regional employment market, and will not create the demand for new housing or population growth or displace housing or people.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XIV. PUBLIC SERVICES:** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Fire protection? (Sources: 1,10)         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Police protection? (Sources: 1,10)       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Schools?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. Parks?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. Other public facilities? (Sources: 1,10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion (a-e): The proposed project will not result in a significant demand for additional new services since it is not proposing to include new neighborhoods or a significantly large scale development, and the incremental impacts to services can be mitigated through payment of development impact fees. Therefore, impacts that may result from this project on public services are considered less than significant.

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**XV. RECREATION**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion (a&b):

The proposed outdoor storage project that will not encourage new housing demands and use of recreational facilities, it will not result in impacts to recreational facilities.

**XVI. TRANSPORTATION/TRAFFIC:** Would the project:

a. Conflict with an applicable plan, ordinance or policy establishing measures or effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion (a&b): Based on the project being consistent with the C3 and CS zoning and land use designations, and based on a construction office, shop and equipment storage not being considered high traffic generators, the project impacts to traffic and circulation will be less than significant.

As required by all development projects with the approval of a building permit, the applicant shall be required to pay transportation impact fees established by City Council in affect at the time of occupancy to mitigate future impacts with planned improvements by the City.



	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project is not located within the geographic boundaries of the Airport Land Use Plan, therefore there is no impact.

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: There are no hazardous design features associated with, planned for or will result from this project.

e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will not impede emergency access, and is designed in compliance with all emergency access safety features and to City emergency access standards.

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will comply with any policies related to road improvements on Ardmore Road, including any required curb, gutter, sidewalk and bike lanes as required for this road.

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**XVII. UTILITIES AND SERVICE SYSTEMS:** Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: The project will comply with all applicable wastewater treatment requirements required by the City, RWQCB and the State. Therefore, there will be no impacts resulting from wastewater treatment from this project.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Per the City’s General Plan EIR, Urban Water Management Plan, and Sewer System Management Plan, the City’s water and wastewater treatment facilities are adequately sized, including planned facility upgrades, to provide water needed for this project and treat effluent resulting from this project. Therefore, this project will not result in the need to construct new facilities.

c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: All new stormwater resulting from this project will be managed on the project site, and will not enter existing storm water drainage facilities or require expansion of new drainage facilities. Therefore, the project will not impact the City’s storm water drainage facilities.

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project is permitted with a PD & CUP, in the current land use and zoning designations; therefore, the project can be served with existing water resource entitlements available and will not require expansion of new water resource entitlements.

e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: Per the City’s SSMP The City’s wastewater treatment facility has adequate capacity to serve this project as well as existing commitments.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  Discussion: Per the City's Landfill Master Plan, the City's landfill has adequate capacity to accommodate construction related and operational solid waste disposal for this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?  Discussion: The project will comply with all federal, state, and local solid waste regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?  Discussion: As noted within this environmental document, in the Biological Resources section, there are mitigation measures related to habitat and species that will reduce the impacts on biological resources to less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?  Discussion: The project will not have impacts that are individually limited, but cumulatively considerable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Agenda Item 2

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project will not cause substantial adverse effects on human beings, either directly or indirectly.

**EARLIER ANALYSIS AND BACKGROUND MATERIALS.**

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis and Background / Explanatory Materials

<b><u>Reference #</u></b>	<b><u>Document Title</u></b>	<b><u>Available for Review at:</u></b>
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street Paso Robles, CA 93446
2	City of Paso Robles Zoning Code	Same as above
3	City of Paso Robles Environmental Impact Report for General Plan Update	Same as above
4	2005 Airport Land Use Plan	Same as above
5	City of Paso Robles Municipal Code	Same as above
6	City of Paso Robles Water Master Plan	Same as above
7	City of Paso Robles Urban Water Management Plan 2005	Same as above
8	City of Paso Robles Sewer Master Plan	Same as above
9	City of Paso Robles Housing Element	Same as above
10	City of Paso Robles Standard Conditions of Approval for New Development	Same as above
11	San Luis Obispo County Air Pollution Control District Guidelines for Impact Thresholds	APCD 3433 Roberto Court San Luis Obispo, CA 93401
12	San Luis Obispo County – Land Use Element	San Luis Obispo County Department of Planning County Government Center San Luis Obispo, CA 93408
13	USDA, Soils Conservation Service, Soil Survey of San Luis Obispo County, Paso Robles Area, 1983	Soil Conservation Offices Paso Robles, Ca 93446

## Agenda Item 2

### **Attachments:**

- 1. Mitigation Monitoring and Reporting**
- 2. Vicinity Map**
- 3. Site Plan**
- 4. Biological Study**

Mitigation Monitoring and Reporting Plan

Project File No./Name: **Spurr Construction Building and Storage Yard**

Approving Resolution No.: \_\_\_\_ by:  Planning Commission  City Council

Date: November 14, 2017

The following environmental mitigation measures were either incorporated into the approved plans or were incorporated into the conditions of approval. Each and every mitigation measure listed below has been found by the approving body indicated above to lessen the level of environmental impact of the project to a level of non-significance. A completed and signed checklist for each mitigation measure indicates that it has been completed.

Explanation of Headings:

Type: ..... Project, ongoing, cumulative

Monitoring Department or Agency: ..... Department or Agency responsible for monitoring a particular mitigation measure

Shown on Plans: ..... When a mitigation measure is shown on the plans, this column will be initialed and dated.

Verified Implementation: ..... When a mitigation measure has been implemented, this column will be initialed and dated.

Remarks: ..... Area for describing status of ongoing mitigation measure, or for other information.

<p style="text-align: center;"><b>Mitigation Measure</b>  <b>PD 17-001, VPM 16-0245, CUP 17-015 Amendment</b>  <b>(Spurr)</b></p>	<p style="text-align: center;"><b>Type</b></p>	<p style="text-align: center;"><b>Monitoring Department or Agency</b></p>	<p style="text-align: center;"><b>Shown on Plans</b></p>	<p style="text-align: center;"><b>Verified Implementation</b></p>	<p style="text-align: center;"><b>Timing/Remarks</b></p>
<p><b>AQ-1: <u>Dust Control Measures</u></b>                      Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. <b><u>Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD’s 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402):</u></b></p>	<p>Project</p>	<p>Qualified Air Quality Specialist</p>			<p>Prior to Issuance of a Grading Permit</p>



## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>a. Reduce the amount of the disturbed area where possible.</p> <p>b. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. <b><u>Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.</u></b> For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;</p> <p>c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;</p> <p>d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;</p> <p>e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.</p>					

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.</p> <p>g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.</p> <p>i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.</p> <p>j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are</p>					

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;</p> <p>k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.</p> <p>l. All PM<sub>10</sub> mitigation measures required should be shown on grading and building plans; and,</p> <p>m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.</p>					
<p><b>AQ-2: Developmental Burning</b> Effective February 25, 2000, <b><u>the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.</u></b> If you have any questions regarding these requirements, contact the APCD Engineering &amp; Compliance Division at (805) 781-5912.</p>	Project	Qualified Air Quality Specialist CDD			Prior to issuance of grading permit

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p><b>AQ-3:</b> <u>Demolition Activities Demolition / Asbestos</u> Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). <b><u>If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).</u></b> These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Engineering &amp; Compliance Division at (805) 781-5912 for further information or go to <a href="http://slocleanair.org/rules-regulations/asbestos.php">slocleanair.org/rules-regulations/asbestos.php</a> for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of <a href="http://slocleanair.org/library/download-forms.php">slocleanair.org/library/download-forms.php</a>.</p>	Project	Qualified Air Quality Specialist CDD			Prior to issuance of grading permit
<p><b>AQ-4</b> Construction Permit Requirements Based on the information provided, we are unsure of the types of equipment that may be present</p>	Project	Qualified Air Quality			Prior to issuance of a grading permit.

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>during the project’s construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.</p> <p>The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD’s 2012 CEQA Handbook.</p> <ul style="list-style-type: none"> <li>• Power screens, conveyors, diesel engines, and/or crushers;</li> <li>• Portable generators and equipment with engines that are 50 hp or greater;</li> <li>• Electrical generation plants or the use of standby generator;</li> <li>• Internal combustion engines;</li> <li>• Rock and pavement crushing;</li> <li>• Unconfined abrasive blasting operations;</li> <li>• Tub grinders;</li> <li>• Trommel screens; and,</li> <li>• Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).</li> </ul> <p><b><u>To minimize potential delays, prior to the start of the project, please contact the APCD Engineering</u></b></p>		Specialist/ CDD			

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<u><b>&amp; Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.</b></u>					
<b>BR-1.</b> Prior to start of grading, a sediment and erosion control plan should be prepared that specifically seeks to protect bare soil areas on the site. Erosion control measures should be implemented to prevent runoff and loss of sediment from the site. The plan should specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. The plan should also describe how any and all pollutants originating from construction equipment would be collected and disposed.	On-going	CDD			Prior to issuance of grading permit
<b>BR-2.</b> During construction activities on the site, up to date Best Management Practices (commonly referred to as BMP's) should be utilized to minimize erosion, sedimentation, pollutants, and dust. For example, washing of concrete, paint, or equipment should occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of equipment, tools, roads, etc. should not be allowed in any location where the tainted water could enter a storm drain or gutter. BMP's for dust abatement should be a component of the project's construction documents, and water sprayed onto the site for dust abatement should not cause runoff.	On-going	CDD			Prior to issuance of grading permit
<b>BR-3.</b> All bare soils areas and temporarily impacted areas from grading that are outside the project development area should be stabilized with appropriate landscaping and mulch or other approved materials. Temporarily disturbed areas such as on the eastern parcel shall have					

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks														
<p>the following seed mix applied through either direct hand seeding or hydroseeding methods:</p> <p><b>Native Grassland Erosion Control Seed Mix</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Species</th> <th style="text-align: left;">Application Rate (lbs./acre)</th> </tr> </thead> <tbody> <tr> <td><i>Bromus carinatus</i> (California)</td> <td style="text-align: center;">5</td> </tr> <tr> <td><i>Hordeum brachyantherum</i></td> <td style="text-align: center;">5</td> </tr> <tr> <td><i>Vulpia microstachys</i> (six weeks)</td> <td style="text-align: center;">3</td> </tr> <tr> <td><i>Stipa pulchra</i> (purple)</td> <td style="text-align: center;">10</td> </tr> <tr> <td><i>Trifolium wildenovii</i> (tomcat)</td> <td style="text-align: center;">5</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: center;"><b>28</b></td> </tr> </tbody> </table>	Species	Application Rate (lbs./acre)	<i>Bromus carinatus</i> (California)	5	<i>Hordeum brachyantherum</i>	5	<i>Vulpia microstachys</i> (six weeks)	3	<i>Stipa pulchra</i> (purple)	10	<i>Trifolium wildenovii</i> (tomcat)	5	<b>Total</b>	<b>28</b>					
Species	Application Rate (lbs./acre)																		
<i>Bromus carinatus</i> (California)	5																		
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<i>Trifolium wildenovii</i> (tomcat)	5																		
<b>Total</b>	<b>28</b>																		
<p>BR-4. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Community Development Department (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:</p> <p>a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 8.34 acres (2.78 acres disturbed area multiplied by 3 as a result of an applied 3:1 mitigation ratio) of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to</p>	Project	CDD		Notes shown on construction documents.	Prior to issuing Building Permit.														

## Agenda Item 2

Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife and the City. This mitigation alternative (a.) requires that all aspects if this program must be in place before City permit issuance or initiation of any ground disturbing activities.</p> <p>b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b) above can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the CDFW and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total: \$20,850 (8.34 multiplied by \$2,500)</p> <p>This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the CDFW provides written notification about your mitigation options but prior to</p>					



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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>City permit issuance and initiation of any ground disturbing activities.</p> <p>c. Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.</p> <p>Mitigation alternative (c) above can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total: \$20,850 (8.34 multiplied by \$2,500)</p> <p>This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.</p>					
<p><b>BR-5.</b> Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City. The retained biologist shall perform the following monitoring activities:</p> <p>i. Prior to issuance of grading and/or construction permits</p>	Project	CDD			Prior to issuing Certificate of Occupancy permit

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. preconstruction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.</p> <p>ii. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.</p> <p>iii. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is</p>					

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<p>appropriate to resume work.</p> <p>If incidental take of kit fox during project activities is possible, <b>before project activities commence</b>, the applicant must consult with the USFWS and the CDFW. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.</p> <p>iv. In addition, the qualified biologist shall implement the following measures:</p> <ol style="list-style-type: none"> <li>1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances: <ul style="list-style-type: none"> <li>▪ Potential kit fox den: 50 feet</li> <li>▪ Known or active kit fox den: 100 feet</li> <li>▪ Kit fox pupping den: 150 feet</li> </ul> </li> <li>2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be</li> </ol>					

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<p>maintained until all project-related disturbances have been terminated, and then shall be removed.</p> <p>3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities shall be required by a qualified biologist.</p>					
<p><b>BR-6.</b> Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction, In addition, prior to permit issuance and initiation of any ground disturbing activities, measures 3 through 10 below shall be clearly delineate on project plans.</p>	Project	CDD			Prior to site disturbance, grading permit issued
<p><b>BR-7.</b> During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.</p>	On-going	Certified Arborist CDD		Shown on construction documents	Prior to issuance of grading permit
<p><b>BR-8.</b> BR-15. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive</p>	On-going	Certified Arborist CDD		Shown on construction documents	Prior to issuance of building permit

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.					
<b>BR-9.</b> During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.	Project	Certified Arborist CDD			Prior to issuance of Final Occupancy
<b>BR-10.</b> During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a	Project	CDD			Prior to issuance of grading permit.

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diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.					
<b>BR-11.</b> During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.	On-going	CDD			Prior to issuance of Grading Permit/On-going with project construction.
<b>BR-12.</b> Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.	On-going	CDD			Prior to issuance of a grading permit.
<b>BR-13.</b> During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the	On-going	CDD			On Going during construction.

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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.					
<b>BR-14.</b> Since fencing is required around the industrial development and the property abuts existing developed areas, openings at the bottom of the fence would not be required to facilitate kit fox movement through the site. Implementation of the above mitigation measures will reduce project impacts to SJKF to a less than significant level pursuant to CEQA.	On-going	CDD			Prior to issuance of a grading permit.
BR-15. Night Lighting. Night lighting should be kept to the minimum necessary for safety purposes, and should be shielded and aimed as needed to avoid spillover into undeveloped areas. Decorative lighting should be of low intensity.					
BR-16. Impacts to Nesting Birds. To minimize impacts to nesting bird species protected by the Migratory Bird Treaty Act, grading of the site should be limited to the time period between September 1 and February 14 if feasible. If initial site disturbance cannot be conducted during this time period, a pre-construction survey for active bird nests within the limits of the project should be conducted by a qualified biologist. Surveys should be conducted two weeks prior to any construction activities proposed to occur between February 15 and					



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Mitigation Measure PD 17-001, VPM 16-0245, CUP 17-015 Amendment (Spurr)	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>August 31. If no active nests are located, ground disturbing activities can proceed. If active nests are located, then all construction work should be conducted outside a non-disturbance buffer zone to be developed based on the species (i.e., 50 feet for common species and upwards of 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests should occur until the young are no longer reliant on the nest site as determined by a qualified biologist. The biologist should conduct monitoring of the nest until all young have fledged.</p>					
<p>BR-17. Impacts to American Badger. The American badger was also determined to have the potential to occur on-site, and some small mammal prey base was observe along the site margins. A pre-construction survey for active badger dens should be conducted within the construction impact footprint and surrounding accessible areas of the property two weeks prior to any ground disturbing activities. The survey should be conducted by a qualified biologist. In order to avoid potential direct impacts to adults and nursing young, no grading should occur within 50 feet of an active badger den as determined by the project biologist. Construction activities between July 1 and February 28 should comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:</p> <ul style="list-style-type: none"> <li>• A qualified biologist should conduct a biological survey two (2) weeks prior to the start of construction;</li> <li>• The survey should cover the entire area proposed for development, including new areas to be used for refuse or soil storage, or grading for other facilities;</li> </ul>					

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<ul style="list-style-type: none"> <li>• Surveys should focus on both old and new den sites, and the biologist should evaluate whether dens are presently occupied;</li> <li>• If dens are too long to see the end, a fiber optic scope (or other acceptable method such as tracking medium) should be used to assess the presence of badgers;</li> <li>• Inactive dens should be excavated by hand with a shovel to prevent badgers from re-using them during construction.</li> <li>• Badgers should be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days. Access to the den should be incrementally blocked to a greater degree over this period. This should cause the badger to abandon the den and move elsewhere. After badgers have stopped using any den(s) within the project boundary, the den(s) should be hand-excavated with a shovel or carefully with the use of an excavator to prevent re-use.</li> <li>• The biologist should be present during the initial clearing and grading activity. If additional badger dens are found, all work should cease until the biologist can complete measures described above for inactive and active dens. Once the badger dens have been excavated, work on the site may resume.</li> </ul>					
BR-18. Wildlife Movement Barriers. The proposed project is adjacent to other development, and surrounded by grasslands and other movement habitat. It would not block any wildlife corridors or inhibit wildlife movement through the area post development.					
BR-19. Impacts Related to Invasive Non-Native Species. The proposed project could unintentionally introduce or maintain non-native invasive plants through landscaping or by halting the historic grazing operation onsite thereby					

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<p>promoting increase in patches of species such as Italian thistle (<i>Carduus pycnocephalus</i>) and yellow star thistle (<i>Centaurea solstitialis</i>). The introduction and/or continued presence of these species would directly and indirectly impact wildlife resources in the region. Development may result in the spread of non-native plants through disturbance and escape of ornamentals. This could potentially impact wildlife, including special-status species in the greater area due to loss of food resources and cover. All landscape plants specified for the project should be non-invasive and if feasible, drought tolerant. To ensure that project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plans should be reviewed by a qualified biologist prior to implementation. Any invasive plant species should be removed from the landscaping plans and replaced with appropriate, non-invasive species.</p>					
<p>Br-20. Impacts to Water Resources. Adverse effects on the water quality of the swale and properties downstream from the project, could pose a risk to associated habitats and the species that use them. Potential risk comes from the following sources: (a) fuels, hydraulic fluids, paints, solvents, and other chemicals; (b) increased sedimentation could occur during construction; and (c) additional pesticides, fertilizers, and herbicides would be introduced onto the site once the project is constructed and landscaped. Ensuring sediment-laden runoff does not leave the site during construction, and that post construction runoff is consistent with preconstruction conditions will be important to avoid potential impacts to water quality. The bioswales and basins proposed for the project would avoid this potential impact.</p>					

## Agenda Item 2

(add additional measures as necessary)

### Explanation of Headings:

Type: ..... Project, ongoing, cumulative

Monitoring Department or Agency: ..... Department or Agency responsible for monitoring a particular mitigation measure

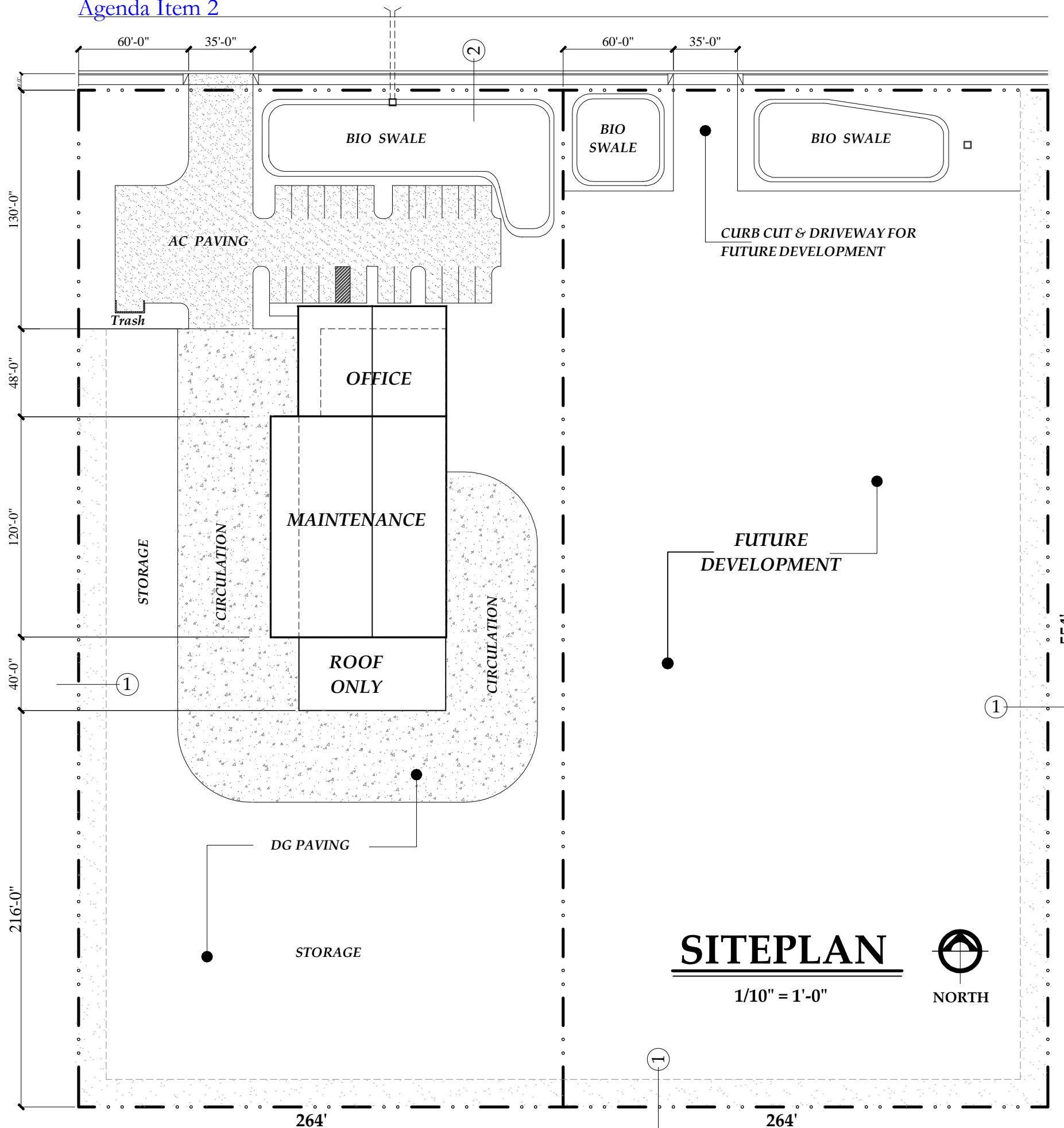
Shown on Plans: ..... When a mitigation measure is shown on the plans, this column will be initialed and dated.

Verified Implementation: ..... When a mitigation measure has been implemented, this column will be initialed and dated.

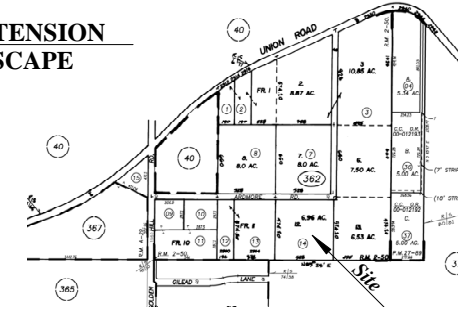
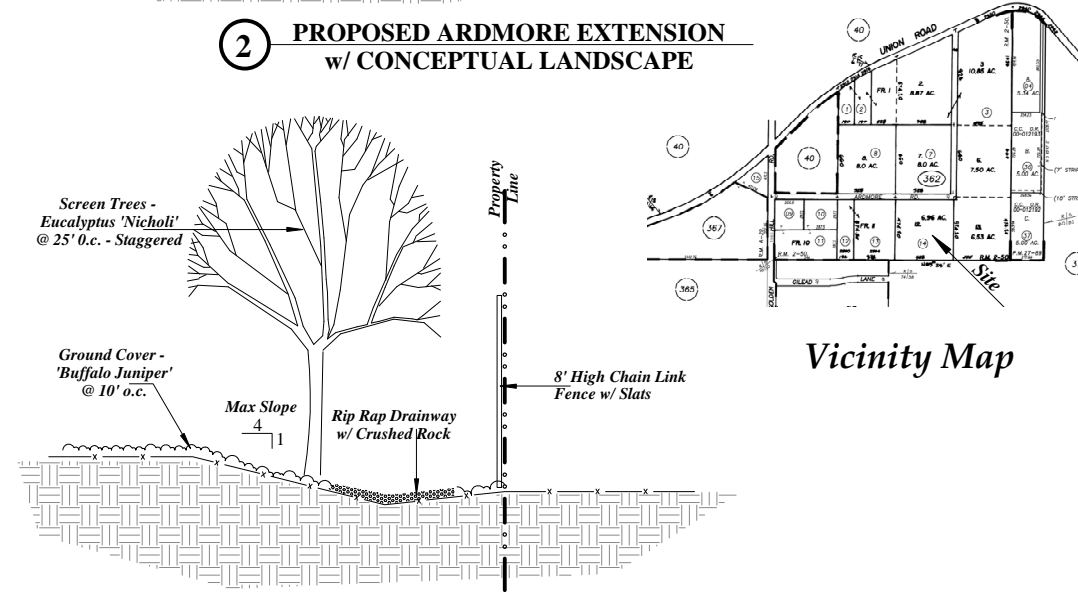
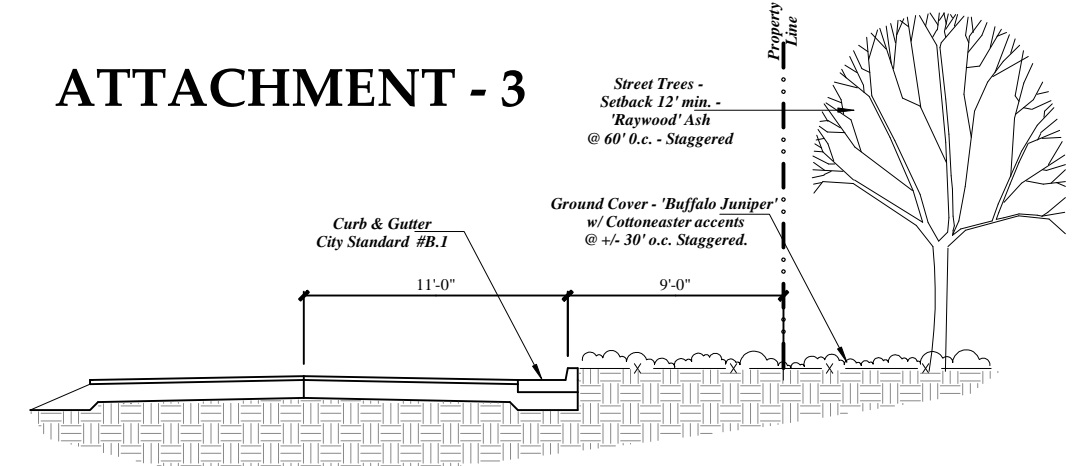
Remarks: ..... Area for describing status of ongoing mitigation measure, or for other information.







**ATTACHMENT - 3**



**OWNER** SPURCO  
% DAVE SPURR  
PO BOX 1920  
PASO ROBLES, CA.  
93447 805.772.1781

**APN** 025-362-014  
**LAND USE** C3 - COMMERCIAL SERVICE  
**ZONING** C3 PD

**PARCEL 1 : CONSTRUCTION COMPANY SITE**

<b>SITE AREA -</b>	3.36 ACRES
<b>OFFICE -</b>	3264 SF
<b>MAINTENANCE BLDG. -</b>	9600 SF
<b>COVERED STORAGE -</b>	3200 SF

**SCREENED OUTSIDE STORAGE** +/- 1 ACRE (VEHICLES & MATERIALS)

**PARKING PROVIDED** 23 CARS

**PARCEL 2 : FUTURE DEVELOPMENT**

Revisions	By

**Owner :**  
Dave Spurr  
238.0834

**Architect :**  
Nick Gilman  
945012th St 'E'  
Paso Robles  
805.238.3432

**SITEPLAN**

**SPURR DEVELOPMENT**

Drawn	
Checked	
Date	03.10.2017
Scale	
Job No.	
Sheet	

**TS**





Kevin Merk Associates, LLC

P.O. Box 318, San Luis Obispo, CA 93406

805-748-5837

September 8, 2017

Dave Spurr  
P.O. Box 1920  
Paso Robles, California 93447

Received  
09/8/17  
City of Paso Robles  
Community Development

**Subject: Biological Resources Assessment for the Vesting Tentative Parcel Map PR 16-0245, Paso Robles, California**

Dear Mr. Spurr:

Kevin Merk Associates, LLC (KMA) conducted a biological resources assessment for your proposed project identified as Vesting Tentative Parcel Map PR 16-0245. The project site is located in the eastern limits of the City of Paso Robles in San Luis Obispo County, California. The study area covered approximately 6.96 acres, situated at the eastern terminus of Ardmore Road, which is on the southeastern portion of the U. S. Geological Survey's (USGS) Paso Robles 7.5-minute quadrangle map (S 26, T26S R12E). The property is identified by Assessor's Parcel Number 025-362-014. The center of the site is located at approximately 35.638261° N, -120.653479° W, on the Mount Diablo Meridian. Please refer to the attached Figures 1 and 2 for site location information.

## INTRODUCTION

The project as proposed would split the roughly seven (7) acre property into two approximately 3.5-acre rectangular parcels accessed from Ardmore Road. An industrial building and associated infrastructure (i.e., parking, drainage), and landscaping features would be constructed on the western parcel, and the eastern parcel would be graded, stabilized and prepared for future development. It is envisioned that a similar size industrial development would be constructed on the eastern parcel in the future. Both sites would be enclosed with six-foot chain link fence. As shown on the attached Vesting Tentative Parcel Map and Preliminary Grading and Drainage Plan prepared by Roberts Engineering (Grading Plan, 8/1/17) and Site Plan prepared by Architect Nick Gilman (Site Plan, 8/1/17), the southern parts of each parcel would be temporarily disturbed during grading activities but would not be developed with impervious surfaces or structures. It is anticipated that the southern area would be utilized by the property owners for equipment storage or some other associated use. A series of bioswales and detention basins would be constructed across the site as part of the proposed development.

The purpose of the study was to characterize existing conditions and determine if any special status biological resources were present on the property. The following provides the methods and results of the investigation. Based on review of the grading and site plans referenced above, impacts to biological resources were identified, and recommended mitigation measures included to reduce potential project impacts to a less than significant level pursuant to the California Environmental Quality Act (CEQA).



## METHODS

Prior to field surveys, KMA conducted a review of available background information, including recent biological and environmental studies from the region. This included recent studies completed on the Case Pacific Project (Althouse and Meade, 2016), Paso Vistas Resort Hotel site (KMA, 2015), the Entrada de Paso Robles project site (KMA, 2013-present); the Highway 46 Corridor Improvement Project Environmental Assessment and Final Environmental Impact Report (Caltrans, May 2006); and the Vina Robles Amphitheater Biological Report (Althouse and Meade, 2010). Local soil survey data available on the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey and historical aerial photographs obtained using Google Earth were reviewed to aid in the existing conditions characterization and special status species assessment. A search and review of the current California Natural Diversity Data Base (CNDDDB, queried in April and July 2017) was also conducted for an approximately 5-mile radius around the property. The CNDDDB query equated to a search of the Paso Robles, Estrella, Templeton, and Creston USGS 7.5-minute topographic quadrangle maps. This was deemed an adequate search ranged based on the background studies reviewed and known occurrences of special status resources in the region.

KMA's Principal Biologist Kevin Merk conducted an initial field survey of the site on April 25, 2017 to characterize existing conditions onsite and search for rare plants. Subsequent follow-up surveys were conducted by KMA biologists on May 16<sup>th</sup> and June 28<sup>th</sup> to further characterize onsite conditions. During the surveys, the entire property was walked using meandering transects to thoroughly cover all areas searching for special status plants, potential den sites, and other wildlife sign. A final site visit was conducted on July 13, 2017 with Regional Water Quality Control Board representative, Ms. Paula Richter, to evaluate onsite swale features and discuss the extent of Water Board regulatory jurisdiction on the site. The results of that meeting are provided below under the Drainage Features section.

The field surveys evaluated existing conditions to determine the presence or absence of special status biological resources regulated by state and federal agencies, including the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), the U.S. Army Corps of Engineers (Corps), and the Regional Water Quality Control Board (RWQCB). During each survey, binoculars (Vortex 8x42) were used to identify birds and wildlife activity onsite to help with the overall assessment of the property's potential to support special-status species. Aerial photographs of the property and regional maps, including a site specific topographic map were used in the field to identify plant communities and record other notable observations.

The Manual of California Vegetation, second edition (Sawyer, Keeler-Wolf and Evens, 2009) was primarily used to classify the habitat types within the study area based on the composition and structure of the dominant vegetation in a given area. The California Wildlife Habitat Relationship System (CWHR; California Department of Fish & Game; see also California Department of Forestry and Fire Protection, October 1988, *A Guide to Wildlife Habitats of California*) and Robert F. Holland's *Preliminary Description of the Terrestrial Natural Communities of California* (1986) were also used to characterize plant community composition and distribution on the site. Plant taxonomy follows the Jepson Manual, second edition (Baldwin et al., 2012) as updated online.

The assessment of special status species occurrence on the site and identification of habitat that could potentially support these species was based on our field observations coupled with our knowledge of the particular species' biology, background reports and findings from previous studies conducted in the area, as well as the CNDDDB data. As stated above, focused botanical surveys were conducted to determine the presence or absence of special status plants on the property. Definitive surveys to determine the presence or absence of the wildlife that may occur within the property area were not conducted. Surveys for special status wildlife, such as San Joaquin kit fox (*Vulpes macrotis mutica*; SJKF) require specific survey protocols with extensive field time, often to be conducted only at certain times of the year. As stated above, we relied on existing information and survey data coupled with knowledge of the area and past investigations to conclude whether or not certain special status wildlife could potentially occur onsite.

To support the botanical surveys, the USDA NRCS Web Soil Survey was reviewed to identify the soil mapping units present within the study area (U.S. Department of Agriculture 2017). The USFWS's online Wetland and Critical Habitat Mapper were also reviewed to evaluate the extent of documented wetlands and designated critical habitat defined in the region. Online databases were also reviewed for specimen records maintained at the University of California, Berkeley and the Consortium of California Herbaria.

For the purpose of this report, special status species are those plants and animals listed, proposed for listing, or candidates for listing as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (ESA); those listed or proposed for listing as Rare, Threatened, or Endangered by the California Department of Fish and Wildlife (CDFW) under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the CDFW; and plants occurring on California Rare Plant Rank lists 1, 2, 3 and 4 developed by the CDFW working in concert with the California Native Plant Society. The specific code definitions are as follows:

- *1A = Plants presumed extinct in California;*
- *1B.1 = Rare or endangered in California and elsewhere; seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat);*
- *1B.2 = Rare or endangered in California and elsewhere; fairly endangered in California (20-80% occurrences threatened);*
- *1B.3 = Rare or endangered in California and elsewhere, not very endangered in California (<20% of occurrences threatened or no current threats known);*
- *2 = Rare, threatened or endangered in California, but more common elsewhere;*
- *3 = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CNPS and CESA); and*
- *4.2 = Plants of limited distribution (watch list), fairly endangered in California (20-80% occurrences threatened).*
- *4.3 = Plants of limited distribution (watch list), not very endangered in California.*

In addition, sensitive or special status natural communities are those listed in the CNDDDB (California Department of Fish and Wildlife, 2003; queried in April 2017).

### RESULTS

The region is characterized by a Mediterranean climate with nearly all rainfall occurring in the winter months. A small amount of annual precipitation attributed to monsoonal moisture can occur during the summer months. Annual precipitation in the Paso Robles area is approximately 14 to 16 inches depending on location (Western Regional Climate Center and National Oceanic and Atmospheric Administration, 2017). Moving further to the east, rainfall totals continue to decline due to the rain shadow effect caused by the outer Coast Range. The steep Santa Lucia Mountain Range further west of the site separates the region from the Pacific Ocean. As a result, winter temperatures are lower and summer temperatures are higher compared to the coastal valleys and beaches further west. Average annual temperature for the Paso Robles area is approximately 59 degrees Fahrenheit, with summer temperatures regularly exceeding 90 degrees F.

Dominant plant communities in the project region include grassland, coastal scrub, and oak woodlands. Commercial, residential, and agriculture uses are present in surrounding areas. The study area consists of a relatively flat generally square property with a slight northern slope aspect. Elevations within the study area range from approximately 814 feet above mean sea level (MSL) in the northern part of the site to approximately 827 feet MSL in the south. Ongoing stockpile management activities have reduced vegetative cover on the site, and during the surveys, the property was primarily bare soils with a small strip (approximately 20 feet wide) of disked and mowed annual grassland present along the southern and western property line.

Two broad, shallow topographic swale features were present onsite with the primary feature traversing the site in a generally southeast to north-northwest direction (please refer to the Roberts Engineering Grading Plan). The secondary swale feature enters the western property boundary and crosses the northwest portion of the site connecting with the primary swale at the northern property line. Neither feature exhibited defined bed or bank structure or an ordinary high water mark, and the primary feature was composed of bare soils from active stockpile management activities. The secondary feature contained some annual grass cover characteristic of the annual grassland habitat on the surrounding properties.

The following characterization of these primary habitat types is based on the general structure and composition of the dominant vegetation. Figures 1 and 2 provide site location information. Please note that the aerial imagery used for Figure 2 was from 2013 prior to stockpile management activities on the site. Available imagery on Google Earth from 2015 was also taken prior to stockpiling soils onsite. A soils map is provided as Figure 3, and the results of the CNDDDB query are provide on Figures 4 and 5.

Other attachments to this report include the following: a list of species observed during the field surveys; representative photographs taken of the site during the 2017 site visits; an evaluation of all special status biological resources known from the region obtained from the

CNDDDB; and the USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to and During Ground Disturbance* (2011).

## Habitat Types

### Ruderal/Disturbed

The disturbed parts of the property were composed of gravel roads, bare soils, and ongoing stockpiling of soils for construction projects. This habitat type is not a native plant community, and is not described by the vegetation classification systems used in this study since it is an anthropogenic influenced land type. Ruderal or disturbed areas on the property were mostly bare, and contained scattered occurrences of plants characteristic of the annual grassland habitat described below. Because of the highly disturbed nature of this habitat, it is of marginal value to wildlife. Nonetheless, its proximity to annual grassland allow common species such as the California ground squirrel (*Spermophilus beecheyi*), which was observed offsite to the east, to utilize ruderal areas of the site for basking and foraging.

### Annual Grassland (*Avena barbata* Semi-Natural Herbaceous Stands)

The annual grassland habitat observed on the property corresponds to the wild oats grassland described in the Manual of California Vegetation (2009, second edition) and the non-native grassland described by Holland (1986). The annual grassland was confined to a small approximate 20-foot wide strip along the southern and western property lines. Based on aerial imagery review back to 1994, the property was composed of annual grassland that was disked and mowed on a regular basis. Since 2015, the site has been used to stockpile soils for construction activities. The strip of remaining grassland onsite was disked but species such as wild oats (*Avena barbata*), Italian ryegrass (*Lolium multiflorum*), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), red brome (*Bromus madritensis rubens*), and small fescue (*Vulpia myuros*) were still in identifiable condition. Other representative species observed in annual grassland onsite included red-stemmed filaree (*Erodium cicutarium*), Indian sweet clover (*Melilotus indica*), black mustard (*Brassica nigra*), and bur clover (*Medicago polymorpha*). The two swale areas contained the species above, and isolated occurrences of curly dock (*Rumex crispus*), and loosestrife (*Lythrum hyssopifolium*) were observed at the fenceline and offsite areas. A leaking well site at the northern fenceline also had curly dock and several coyote thistle (*Eryngium vaseyi*) plants present.

Annual grasslands in the area provide foraging, breeding habitat and movement opportunities for many wildlife species. Several mammals, such as the California ground squirrel, Botta's pocket gopher (*Thomomys bottae*), and deer mice (*Peromyscus* spp.) are known to occur within this habitat type. Although the small strip of this habitat onsite is of marginal value as wildlife habitat due to the regular human disturbance, it is connected to larger grassland habitat in the region, which increases the potential for wildlife species to occur onsite.

### **Drainage Features**

No defined creek or drainage features are present within or adjacent to the property. As discussed above, two broad shallow, low gradient swales run through the property, and includes one that originates to the southeast (the primary feature) and one that originates to the west of the site (the secondary feature). Please refer to the Roberts Engineering Grading Plan for further detail. The primary feature was composed of bare soils from the disking and stockpile storage activities. Offsite to the east and north, the swale was dominated by annual grassland species, and did not contain a predominance of wetland indicator species. The secondary feature traverses the northwest portion of the site and joins the primary feature near the northern property line. It supported annual grasses and no predominance of wetland indicator species was observed.

No topographic depressions capable of supporting prolonged areas of ponded water were present onsite. Surveys conducted during an above-average rainfall year did not find evidence of recent flow, ponded water, saturated soils, or predominance by wetland plant species. The swale features did not exhibit any evidence of scour, erosion, sediment deposition, or defined bank features. No ordinary high water marks (OHWM) were visible, and as such, the swale features are not expected to be regulated by the Corps and RWQCB pursuant to the Clean Water Act. Since no bed and bank structure was present, they are not expected to be subject to California Fish and Game Code 1600 et seq. requirements.

Based on review of correspondence from the RWQCB regarding the extent of their regulatory jurisdiction on this same swale feature on the Case Pacific project to the north, and a site visit with Ms. Richter in July 2017, the swales in question are not expected to subject to permitting requirements under the State Porter Cologne Act due to lack of wetland habitat and low beneficial uses.

### **Soil Types**

The USDA NRCS identified four soil map units in the study area. The soils present on the property are all characterized as generally well drained, ranging from sandy loams to clay in texture. San Ysidro loam and Cropley clay are the most prevalent soil units onsite. Arbuckle-San Ysidro complex and Arbuckle fine sandy loam are located in the northeast and northwest corners of the site. The surface layer and formation descriptions of soil types are often helpful in predicting suitability for certain plants, plant communities, and wildlife use. The following are the mapping units within the project site:

- Arbuckle fine sandy loam, 0-2% slopes;
- Arbuckle – San Ysidro complex, 2-9% slopes;
- Cropley clay, 2 to 9% slopes; and
- San Ysidro loam, 0-2% slopes.

## Special Status Biological Resources

### Natural Communities of Special Concern

The CNDDDB search did not identify any occurrences of natural communities of special concern within five miles of the property. Given our knowledge of the area, and review of CNDDDB occurrence data for a larger search radius around the property, several special status plant communities were identified, and include: wetland (i.e., Coastal and Valley Freshwater Marsh), riparian (i.e., Central Coast Arroyo Willow Riparian Forest and Scrub), valley oak woodland, vernal pool, and native bunchgrass grassland. Please refer to the attached Table 1 - Special Status Species and Plant Community information along with Figures 4 and 5 for CNDDDB reported occurrences within the project vicinity.

### Special-Status Plants

The CNDDDB contains records of a number of special-status plant species that are known from relatively localized occurrences in the northern San Luis Obispo County area. Please refer to the attached Table 1 for special status plant analysis and Figure 4 for an illustration of the CNDDDB occurrence data within proximity of the site. Based on the disturbed condition of the site and results of the botanical surveys conducted in 2017, no special status plants are expected to occur in the study area. The surveys were conducted during the bloom periods of rare plants known to occur in the region, during an above average rainfall year. Inspection of annual grassland habitat immediately adjacent to the site did not locate any special status plants.

### Special-Status Wildlife

The CNDDDB contains a number of recorded occurrences of special-status wildlife in the project area. Please refer to Figures 4 and 5 and Table 1 for a detailed analysis of the species identified from the region and whether they are expected to occur onsite. Figure 4 illustrates the CNDDDB recorded occurrences of special status wildlife within close proximity to the study area and Figure 5 shows recorded occurrences for SJKF in the project region.

Nearly all the species evaluated for this study have specific habitat requirements that are not present onsite, especially with the regular human disturbance onsite and residential and urban development in the area. For instance, species such as the vernal pool fairy shrimp (*Branchinecta lynchi*), western spadefoot (*Spea hammondi*), and California red-legged frog (*Rana draytonii*) require seasonal and perennial aquatic habitats that are not present onsite. Given the disturbed nature of the site, it was determined that the American badger (*Taxidea taxus*) could potentially occur onsite as a rare or uncommon transient in search of food or moving to an area of suitable habitat. No suitable den sites or other sign of badger were observed, and the small mammal prey base was restricted to the margins of the site and adjacent properties. As such, it was determined that badgers would be unlikely to den onsite, but could potentially occur onsite at some point in the future.

Similarly, the federal and state listed SJKF could potentially occur onsite since the property is located in an historic movement corridor between a core population on the Carrizo Plain to the east and a satellite population to the northwest on Camp Roberts. However, SJKF have not been



observed in the general area for a over 25 years, and based on conversations with Camp Roberts Environmental Staff (pers. comm. Michael Moore), the species has not been observed on Camp Roberts for at least 10 years. Therefore, it is highly unlikely for SJKF to re-establish in the Paso Robles area given the ongoing urban and agricultural development west of the Estrella River. The study area is in the 3:1 mitigation area and early consultation with Brandon Sanderson of the CDFW confirmed this was accurate.

Many of the raptorial birds known to occur in the region are species of special concern, and are so listed primarily because their preferred habitats have been fractured and extensively reduced by agriculture and urbanization. Birds of prey such as the burrowing owl (*Athene cunicularia*), golden eagle (*Aquila chrysaetos*), white-tailed kite (*Elanus leucurus*), and bald eagle (*Haliaeetus leucocephalus*) all have extensive ranges that cover many habitats, and can be expected as rare to common transients flying over the study area. No nesting opportunities for raptors are present on the property. The minor ground squirrel activity observed along the eastern margin of the site is unlikely to support nesting activity for this species. Numerous other special status birds are present in the region, but not included in the CNDDDB, and they would not be expected to nest or occur onsite due to the lack of suitable habitat and regular human presence. Only common ground nesting birds such as the killdeer (*Charadrius vociferus*) could utilize the bare soils onsite for nesting activities.

## **IMPACT ANALYSIS AND RECOMMENDED MITIGATION**

The proposed project would divide an approximately 6.96 acre property into two roughly 3.5 acre parcels that would be developed with industrial/commercial development. The western parcel would be developed initially, and the eastern parcel would be graded and prepared for future development. As stated above, the grading plan prepared by Roberts Engineering (2017) and Site Plan prepared by Nick Gilman (2017) were reviewed to assess project related impacts to biological resources. The following impact analysis and avoidance, minimization and mitigation measures are intended to help reduce project related impacts to biological resources onsite, and support the City of Paso Robles during the environmental review process.

### **Bio Impact 1. Future development would impact ruderal/disturbed areas and a small strip of non-native annual grassland along the southern and western property lines. *This is anticipated to be a less-than-significant impact pursuant to CEQA and no mitigation required.***

Future development would primarily be sited in disturbed bare soil areas of the site affected by ongoing stockpile management activities. Annual grassland would also be impacted during initial grading and development activities. Both annual grassland and ruderal/disturbed areas are not considered sensitive plant communities by the CDFW. In addition, focused botanical surveys conducted on the property confirmed special status plants are not present onsite. Therefore, any loss of the non-native grassland and ruderal areas onsite would be considered less than significant pursuant to CEQA and mitigation would not be required to offset the impacts associated with project development.

In many instances, mitigation required for a separate potentially significant impact, such as for impacts to water quality for instance, would further reduce impacts to non-native grassland and



ruderal areas deemed less than significant during CEQA review. Such would be the case with the below discussions related to impacts to general wildlife. Any mitigation prescribed for impacts to other biological resources would in turn further reduce project related impacts to annual grassland and ruderal areas onsite.

**Bio Impact 2. Grading and development could cause erosion and sediment-laden runoff could discharge onto adjacent properties. This is anticipated to be a significant but mitigable impact pursuant to CEQA.**

Prior to start of grading, a sediment and erosion control plan should be prepared that specifically seeks to protect bare soil areas on the site. Erosion control measures should be implemented to prevent runoff and loss of sediment from the site. The plan should specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. The plan should also describe how any and all pollutants originating from construction equipment would be collected and disposed.

During construction activities on the site, up to date Best Management Practices (commonly referred to as BMP's) should be utilized to minimize erosion, sedimentation, pollutants, and dust. For example, washing of concrete, paint, or equipment should occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of equipment, tools, roads, etc. should not be allowed in any location where the tainted water could enter a storm drain or gutter. BMP's for dust abatement should be a component of the project's construction documents, and water sprayed onto the site for dust abatement should not cause runoff.

All bare soils areas and temporarily impacted areas from grading that are outside the project development area should be stabilized with appropriate landscaping and mulch or other approved materials. Temporarily disturbed areas such as on the eastern parcel shall have the following seed mix applied through either direct hand seeding or hydroseeding methods:

**Native Grassland Erosion Control Seed Mix**

Species	Application Rate (lbs./acre)
<i>Bromus carinatus</i> (California brome)	5
<i>Hordeum brachyantherum</i> (meadow barley)	5
<i>Vulpia microstachys</i> (six weeks fescue)	3
<i>Stipa pulchra</i> (purple needlegrass)	10
<i>Trifolium wildenovii</i> (tomcat clover)	5
<b>Total</b>	<b>28</b>

Implementation of the above mitigation measures would reduce the potential for project-related erosion and pollutant impacts to adjacent areas to a less than significant level.

**Impact Bio 3. Project development could potentially result in take of the federal endangered and state threatened San Joaquin kit fox. *This is anticipated to be a significant but mitigable impact pursuant to CEQA.***

The property is situated in an historic movement corridor when Camp Roberts maintained a viable satellite population of San Joaquin kit fox. The SJKF occurs in a number of plant communities in the northern portion of its range, including grasslands, scrublands, and agricultural land where uncultivated land is maintained. SJKF use dens for temperature regulation, shelter, reproduction, and escape from predators. They may dig their own dens but often modify and use burrows constructed by other animals such as ground squirrels, badgers, and coyote. The species may also use human-made structures (e.g., culverts and abandoned pipes) as dens. SJKF often change dens, and numerous dens may be used throughout the year, and actively used dens may not always show sign of use.

No potential SJKF den sites as defined by the USFWS were observed on the property. The USFWS defines a potential den as any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Pocket gopher and ground squirrel holes were present along the margins of the site. Pocket gophers do not provide potential den sites for SJKF, but ground squirrel holes could potentially be used by SJKF. Both species are a suitable prey base.

The CNDDDB contains recorded occurrences of SJKF throughout the area that are mostly over ten years old. In conversations with Camp Roberts Environmental Division staff (pers. comm. Michael Moore) it appears that the SJKF population on Camp Roberts has been extirpated and no foxes have been observed in roughly 10 years. Still it is possible, albeit unlikely, that SJKF could move back into the area and potentially utilize the site as migration and foraging habitat. Maintaining the movement corridor from the Carizzo Plain to Camp Roberts is an important component to the recovery strategy for the species, especially in northern San Luis Obispo County and southern Monterey County. The site is currently within a 3:1 mitigation ratio area established by the County of San Luis Obispo and City of Paso Robles in consultation with CDFW.

As part of the project planning effort, the applicant will coordinate with the City and CDFW to pay the respective in-lieu fee. Other alternatives to the in-lieu fee program are available and the applicant will provide proof to the City which method was used prior to issuance of a grading or construction permit.

To avoid take of SJKF and impacts to potentially suitable habitat, the USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to and During Ground Disturbance* (2011) should be implemented (Please see attached). A preconstruction survey should be conducted prior to any site development to search for any potential dens. Exclusion zones would be developed around potential SJKF dens based on habitat, topography and structure of the den openings. Several methods of demarcating potential dens may be acceptable, and can include construction lath with flagging placed in the ground 50 feet outward from the den entrances. Fencing of potential dens is typically not required. A known

den requires fencing be installed 100 feet from the den opening. Silt fence or orange construction fence has been approved by the CDFW and USFWS in the past. The exclusion zone demarcation lath or fencing should be maintained during all ground disturbing activities until the operations have been terminated. Then the fencing may be removed to avoid attracting attention to the dens. Natal dens should be avoided, and a minimum buffer of 200 feet established from the den opening(s).

Any potential den located on the property should be avoided and buffered from future development activities until it is confirmed not to be active. If a potential den was located in an area proposed for development, only dens that are confirmed to not be in use may be destroyed if avoidance is not feasible. Should an active kit fox den be located within the development footprint and the den can not be completely avoided and buffered, the USFWS and CDFW should be contacted and incidental take authorization acquired to allow den destruction and development to proceed.

Destruction of a den is typically done by careful excavation until it is determined that no kit foxes are inside. The den is fully excavated and filled with dirt and compacted to make sure kit foxes cannot reenter or use the den during planting and other earth disturbing activities. If a kit fox is discovered inside the den during the excavation activities, then excavation should cease immediately and monitoring of the den re-initiated. Assuming incidental take authorization from the USFWS and CDFW has been received, then den destruction may proceed once it is determined that the kit fox has left the den.

Hand excavation is the recommended method for destroying a den, but it may be difficult in hard compacted soils during the dry summer months. Use of excavating equipment is possible, but it must be done with extreme caution and monitored by a qualified biologist. If a potential den is monitored for three days using tracking medium or an infrared camera and it is determined through this effort that the den is not in use, then the den can be destroyed to preclude subsequent use following current protocols established by the regulatory agencies (please refer to attached guidelines).

To prevent inadvertent harm to kit fox, the applicant should retain a qualified biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. The recommended mitigation measures to reduce project-related impacts to SJKF below a significance threshold pursuant to CEQA are provided below:

1. Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City. The retained biologist will perform the following monitoring activities:
  - a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, excavation, stock piling of dirt, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required measures 2 through 10 below. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see measure 1-diii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.

c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and/or CDFW determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and the CDFW. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

i. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

iii. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

2. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction, In addition, prior to permit issuance and initiation of any ground disturbing activities, measures 3 through 10 below shall be clearly delineate on project plans.
3. During the site disturbance phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.
4. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
5. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
6. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
7. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
8. Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This

is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

9. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.

10. Since fencing is required around the industrial development and the property abuts existing developed areas, openings at the bottom of the fence would not be required to facilitate kit fox movement through the site.

Implementation of the above mitigation measures will reduce project impacts to SJKF to a less than significant level pursuant to CEQA.

**Impact Bio 4: Project development could directly and indirectly reduce the populations and available habitat for wildlife in general. Because of the size of the site and its proximity to existing urban development, degree of habitat diversity in the region, and diversity of wildlife in the region, impacts to wildlife habitat resulting from the project is anticipated to be *significant but mitigable pursuant to CEQA.***

Potential long-term impacts to wildlife are related to the loss of habitats, the barrier effect potentially caused by the development, and future increased human presence. Specific effects include the loss and disruption of foraging and breeding habitat, reduction in continuous habitat or wildlife corridors, disruption of wildlife movements, displacement of individuals, and night lighting and increased noise. The project region contains busy roadways, commercial and residential development, and open annual grassland areas. The development of the property would further expand the urban setting of the City of Paso Robles and reduce wildlife habitat opportunities. The following mitigation measures are recommended to reduce the overall impact to wildlife on-site as a result of the development of the proposed project:

*Night Lighting.* Night lighting should be kept to the minimum necessary for safety purposes, and should be shielded and aimed as needed to avoid spillover into undeveloped areas. Decorative lighting should be of low intensity.

*Impacts to Nesting Birds.* To minimize impacts to nesting bird species protected by the Migratory Bird Treaty Act, grading of the site should be limited to the time period between September 1 and February 14 if feasible. If initial site disturbance cannot be conducted during this time period, a pre-construction survey for active bird nests within the limits of the project should be conducted by a qualified biologist.



Surveys should be conducted two weeks prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing activities can proceed. If active nests are located, then all construction work should be conducted outside a non-disturbance buffer zone to be developed based on the species (i.e., 50 feet for common species and upwards of 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests should occur until the young are no longer reliant on the nest site as determined by a qualified biologist. The biologist should conduct monitoring of the nest until all young have fledged.

*Impacts to American Badger.* The American badger was also determined to have the potential to occur on-site, and some small mammal prey base was observe along the site margins. A pre-construction survey for active badger dens should be conducted within the construction impact footprint and surrounding accessible areas of the property two weeks prior to any ground disturbing activities. The survey should be conducted by a qualified biologist. In order to avoid potential direct impacts to adults and nursing young, no grading should occur within 50 feet of an active badger den as determined by the project biologist. Construction activities between July 1 and February 28 should comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:

- A qualified biologist should conduct a biological survey two (2) weeks prior to the start of construction;
- The survey should cover the entire area proposed for development, including new areas to be used for refuse or soil storage, or grading for other facilities;
- Surveys should focus on both old and new den sites, and the biologist should evaluate whether dens are presently occupied;
- If dens are too long to see the end, a fiber optic scope (or other acceptable method such as tracking medium) should be used to assess the presence of badgers;
- Inactive dens should be excavated by hand with a shovel to prevent badgers from re-using them during construction.
- Badgers should be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days. Access to the den should be incrementally blocked to a greater degree over this period. This should cause the badger to abandon the den and move elsewhere. After badgers have stopped using any den(s) within the project boundary, the den(s) should be hand-excavated with a shovel or carefully with the use of an excavator to prevent re-use.
- The biologist should be present during the initial clearing and grading activity. If additional badger dens are found, all work should cease until the biologist can complete measures described above for inactive and active dens. Once the badger dens have been excavated, work on the site may resume.

*Wildlife Movement Barriers.* The proposed project is adjacent to other development, and surrounded by grasslands and other movement habitat. It would not block any wildlife corridors or inhibit wildlife movement through the area post development.



*Impacts Related to Invasive Non-Native Species.* The proposed project could unintentionally introduce or maintain non-native invasive plants through landscaping or by halting the historic grazing operation onsite thereby promoting increase in patches of species such as Italian thistle (*Carduus pycnocephalus*) and yellow star thistle (*Centaurea solstitialis*). The introduction and/or continued presence of these species would directly and indirectly impact wildlife resources in the region. Development may result in the spread of non-native plants through disturbance and escape of ornamentals. This could potentially impact wildlife, including special-status species in the greater area due to loss of food resources and cover. All landscape plants specified for the project should be non-invasive and if feasible, drought tolerant. To ensure that project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plans should be reviewed by a qualified biologist prior to implementation. Any invasive plant species should be removed from the landscaping plans and replaced with appropriate, non-invasive species.

*Impacts to Water Resources.* Adverse effects on the water quality of the swale and properties downstream from the project, could pose a risk to associated habitats and the species that use them. Potential risk comes from the following sources: (a) fuels, hydraulic fluids, paints, solvents, and other chemicals; (b) increased sedimentation could occur during construction; and (c) additional pesticides, fertilizers, and herbicides would be introduced onto the site once the project is constructed and landscaped. Ensuring sediment-laden runoff does not leave the site during construction, and that post construction runoff is consistent with preconstruction conditions will be important to avoid potential impacts to water quality. The bioswales and basins proposed for the project would avoid this potential impact.

Implementation of the above recommended mitigation measures would be sufficient to reduce project related impacts to onsite wildlife resources to a less than significant level pursuant to CEQA.

## **CONCLUSION**

The proposed project will divide the approximately 6.96 acre property into two parcels both roughly 3.5 acres in size. The site has had a long history of human use, and since 2015, has been used to stockpile soils for construction projects. Due to the regular stockpile management activities the majority of the site is composed of bare soils. A small strip of non-native annual grassland habitat was present along the southern and western property lines, but was disked and mowed as part of the ongoing fuel modification practices. Two swale features were observed onsite and were determined to not be subject to Clean Water Act or California Fish and Game Code jurisdiction due to a lack of defined bed and bank structure. In addition, consultation with the RWQCB confirmed that similar to the Case Pacific project site to the north, they would not regulate the swales as waters of the state pursuant to the Porter Cologne Act due to lack of wetland habitat and low beneficial uses.

Focused surveys confirmed no special status plants or wildlife were present on the property. As detailed in the impacts and mitigation discussion above, preconstruction surveys should be conducted prior to further earth disturbing activities to avoid impacts to SJKF, the American badger and nesting birds that have the low potential to be present. Given the current results of the investigation and the implementation of the above mitigation measures, the project's

contribution towards the regional loss of wildlife habitat and other potential adverse effects to special status species is not considered to be a significant cumulative impact to biological resources pursuant to the California Environmental Quality Act.

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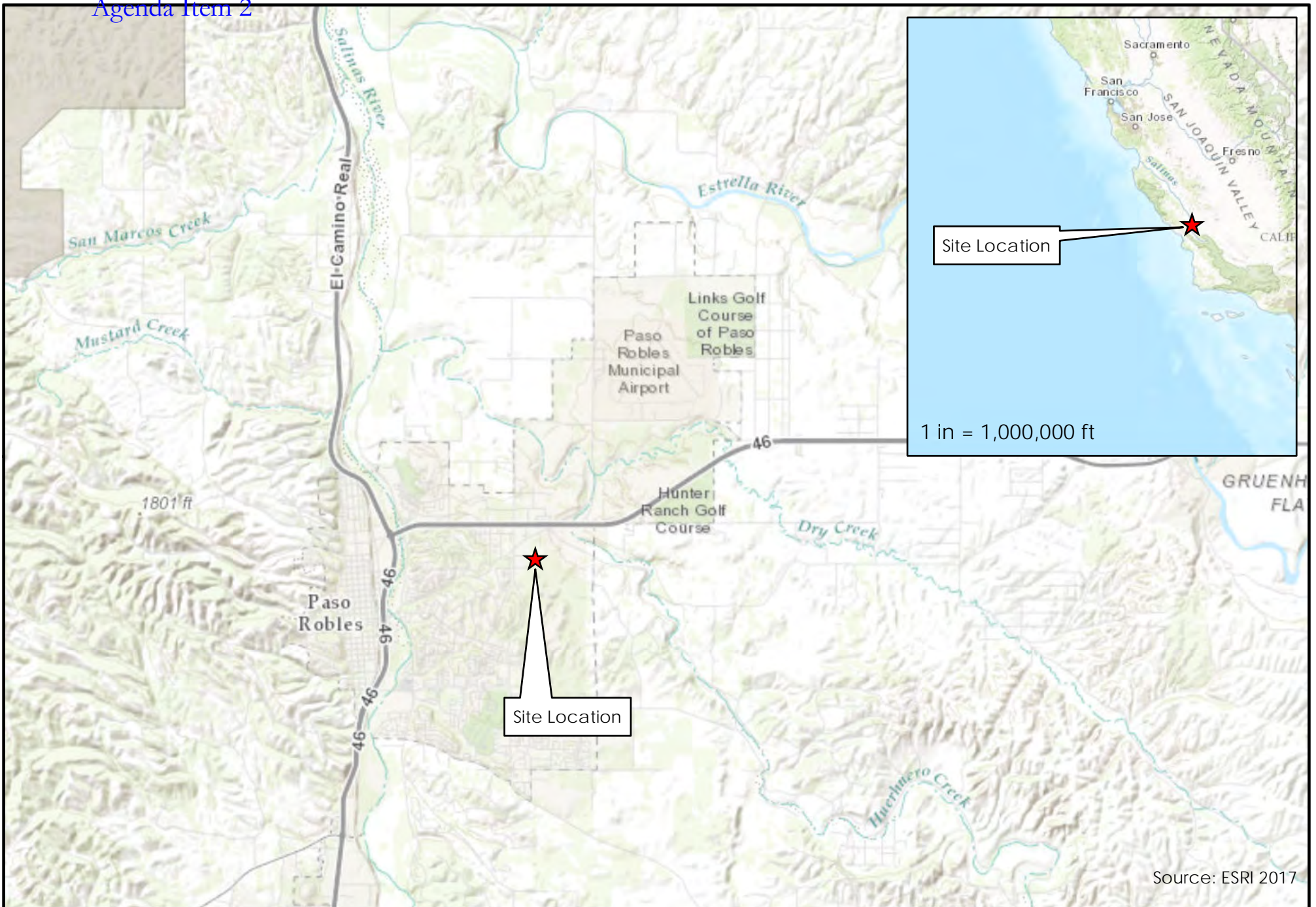
Thank you for the opportunity to assist you with this project. If you have any questions regarding the information contained herein, please call me directly.

Sincerely,  
**KEVIN MERK ASSOCIATES, LLC**



Kevin B. Merk  
Principal Biologist

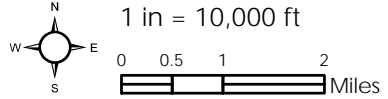
*Attachments*    *Figure 1 – Site Location Map*  
*Figure 2 – Aerial Overview Map*  
*Figure 3 – Soils Map*  
*Figure 4 – CNDDDB Map*  
*Figure 5 – CNDDDB Kit Fox Occurrence Map*  
*Table 1 – Special Status Biological Resources Analysis*  
*Table 2 – Species Observed*  
*Photo Plate*  
*USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to and During Ground Disturbance (2011)*



Site Location

Site Location

1 in = 1,000,000 ft



Vesting Tentative Parcel Map PR 16-0245


Spurr Properties LLC

Figure 1




Site Location

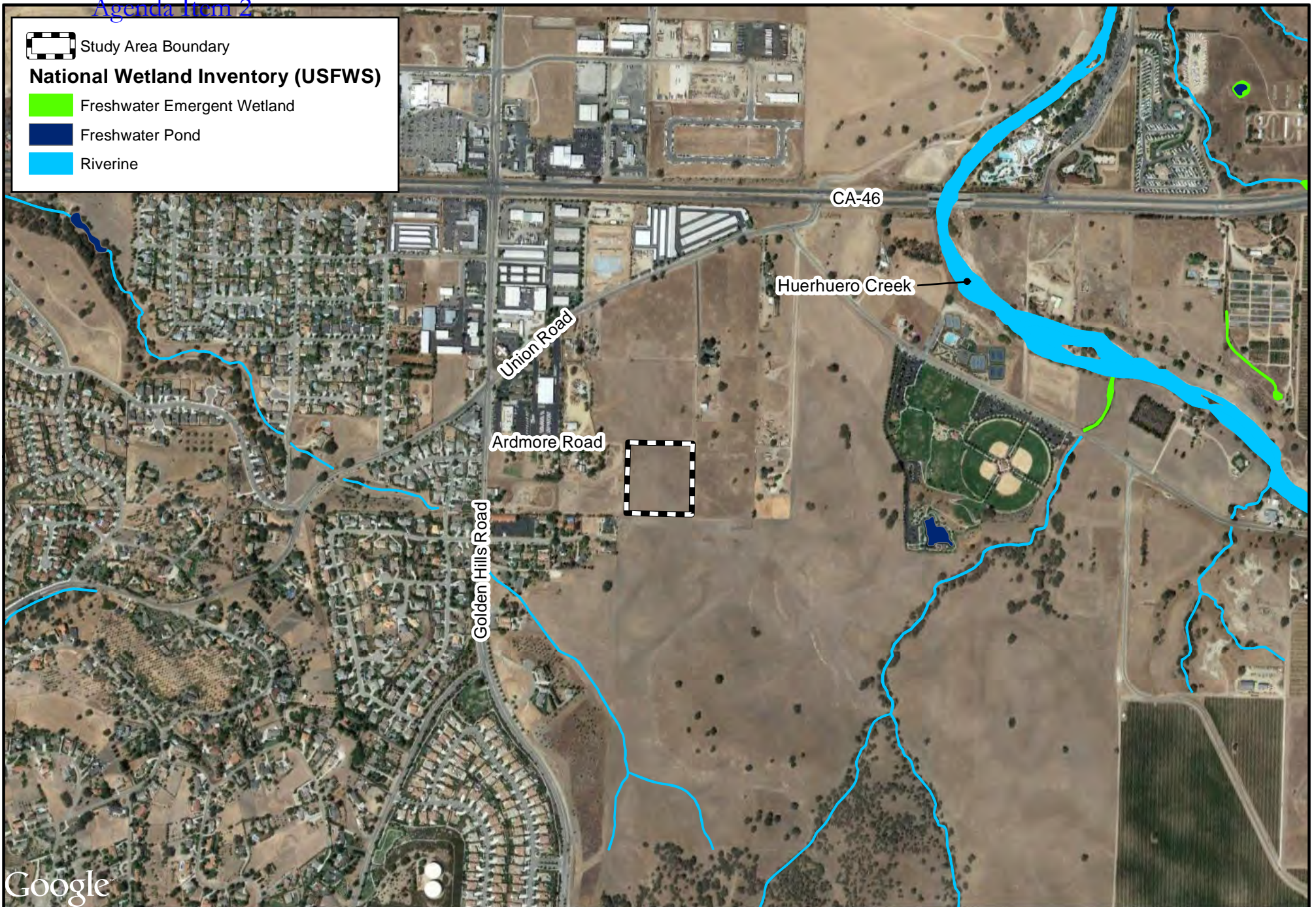
Source: ESRI 2017



 Study Area Boundary

**National Wetland Inventory (USFWS)**


-  Freshwater Emergent Wetland
-  Freshwater Pond
-  Riverine



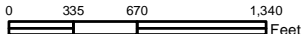
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**KEVIN MERK ASSOCIATES**



1 in = 1,000 ft



0 335 670 1,340 Feet

**Vesting Tentative Parcel Map PR 16-0245**

Spurr Properties LLC

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**Figure 2**





Aerial Overview





Study Area Boundary

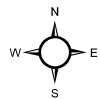
**Soil Type (NRCS Soil Survey)**

-  Arbuckle fine sandy loam, 0 to 2 percent slopes
-  Arbuckle-San Ysidro complex, 2 to 9 percent slopes
-  Cropley clay, 2 to 9 percent slopes
-  San Ysidro loam, 0 to 2 percent slopes

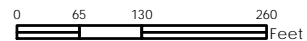


Google

Imagery ©2017 , AMBAG, City of Paso Robles, DigitalGlobe, USDA Farm Service Agency



1 in = 200 ft



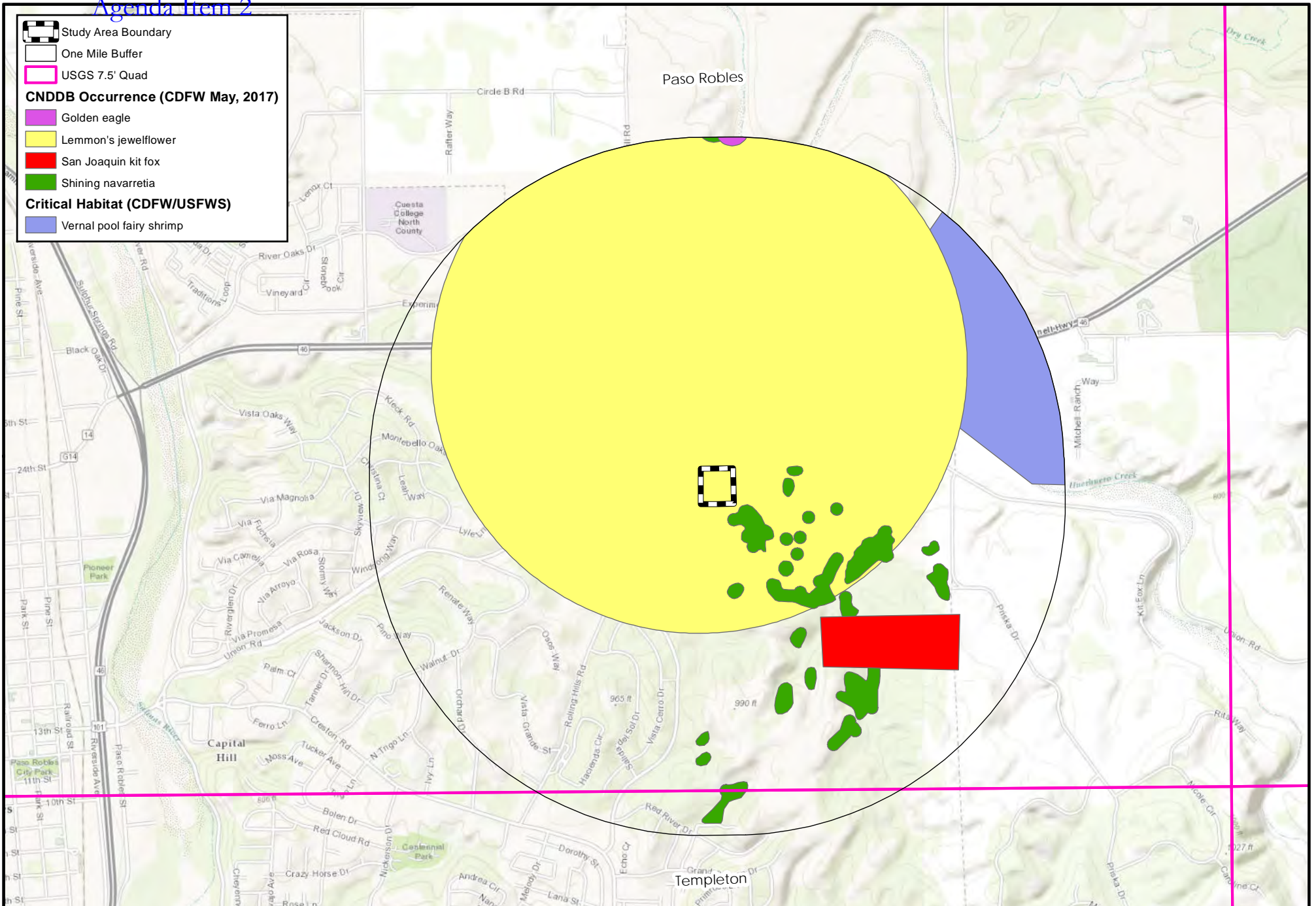
Vesting Tentative Parcel Map PR 16-0245

Spurr Properties LLC  
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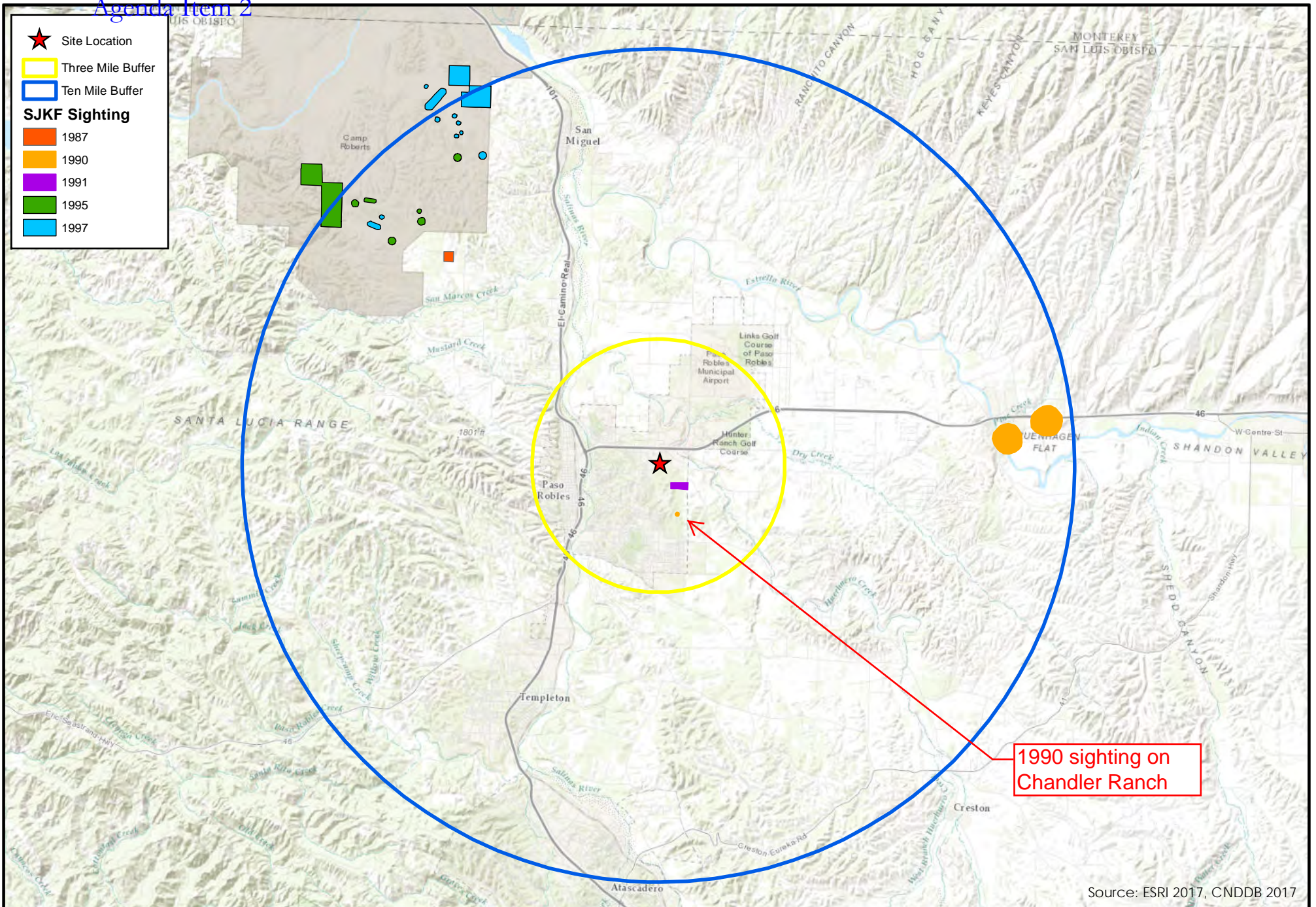
Figure 3

Soil Map

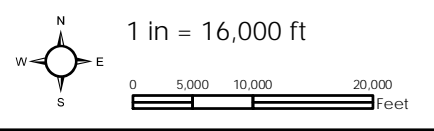








Source: ESRI 2017, CNDDDB 2017



Vesting Tentative Parcel Map PR 16-0245

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**Figure 5**

CNDDDB SJKF Occurrence Map



**Table 1 - Special Status Species and Plant Communities Potentially Occurring On-Site**

Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
<b>PLANTS</b>						
1. <i>Antirrhinum ovatum</i>	oval-leaved snapdragon			4.2	Annual herb; Chaparral, cismontane woodland, pinon & juniper woodlands, valley & foothill grassland; 200-1000 meters; blooms May to November.	<b>Not expected.</b> The site contains annual grassland habitat that is mowed and disked annually. The property was searched during April, June and July surveys conducted during the species bloom period, and it was not found.
2. <i>Astragalus macrodon</i>	Salinas milk-veitch			4.3	Annual herb; chaparral, grassland and openings in oak woodland habitats on eroded pale shales or sandstone, or serpentine alluvium ranging from 300-950 meters in elevation; blooms April - July.	<b>Not expected.</b> The site contains annual grassland habitat that is mowed and disked annually. The property was searched during April, June and July surveys conducted during the species bloom period, and it was not found.
3. <i>California macrophylla</i>	round-leaved filaree			1B.1	Annual herb commonly found on clay soils in cismontane woodland and valley and foothill grassland at elevations ranging from 15 to 1200 meters. Blooms March to May	<b>Not expected.</b> The site contains annual grassland habitat that is mowed and disked annually. The property was searched during April, June and July surveys conducted during the species bloom period, and it was not found.
4. <i>Calochortus simulans</i>	La Panza mariposa-lily			1.B.3	Perennial bulbiferous herb; Chaparral, cismontane woodland, and grasslands in decomposed granite; 395-1100 meters in elevation; Blooms April to June.	<b>Not expected.</b> The site contains annual grassland habitat that is mowed and disked annually. The property was searched during April, June and July surveys conducted during the species bloom period, and it was not found. In addition, no suitable soils are present and this species occurs at higher elevations.
5. <i>Calycadenia villosa</i>	dwarf calycadenia			1B.1	Annual herb. Occurs in rocky soils in chaparral, cismontane woodland, valley and foothill grassland and meadows and seeps. Typically less than 1,130 meters in elevation. Blooms May to October.	<b>Not expected.</b> The site contains annual grassland habitat that is mowed and disked annually. The property was searched during April, June and July surveys conducted during the species bloom period, and it was not found.





Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
6. <i>Camissoniopsis hardhamiae</i>	Hardham's evening-primrose			1B.2	Annual herb found in chaparral, cismontane woodland habitats on decomposed carbonate or recently burned soils; 330-500 meter elevation. Typically blooms March to May.	<b>Not expected.</b> The site contains annual grassland habitat that is mowed and disked annually. The property was searched during April survey conducted during the species bloom period, and it was not found. No suitable soils present.
7. <i>Castilleja densiflora</i> ssp. <i>obispoensis</i>	San Luis Obispo owl's-clover			1B.2	Annual herb; Meadows, seeps, and valley and foothill grassland; 10 to 400 meters in elevation; blooms in April.	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found.
8. <i>Caulanthus lemmonii</i>	Lemmon's jewel-flower			1B.2	Annual herb; pinyon and juniper woodland, valley and foothill grassland; from 80 to 1,220 meters elevation; blooms March to May	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found. CNDDDB has an old occurrence of this species in the general area that is not present onsite.
9. <i>Chorizanthe douglasii</i>	Douglas' spineflower			4.3	Annual herb; foothill woodland, pine forest, chaparral on sandy or gravelly soils; ranges from 200-1600 meters in elevation, and blooms April – July.	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found.
10. <i>Chorizanthe rectispina</i>	straight-awned spineflower			1B.3	Annual herb; chaparral, cismontane woodlands, and coastal scrub communities from Monterey to San Luis Obispo counties; typically between 85-1035 meters in elevation; blooms April to July.	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found. In addition, no suitable soils are present onsite.
11. <i>Delphinium gypsophilum</i> ssp. <i>parviflorum</i>	Gypsum loving larkspur			4.3	Perennial herb typically found in clay soils in cismontane woodland ranging in elevation from 200-350 meters. Blooms March – June.	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found.
13. <i>Delphinium umbraculorum</i>	umbrella larkspur			1B.3	Perennial herb; found in granite of cismontane woodlands, chaparral, and coastal scrub; 85-1,035 meters in elevation; blooms May to July.	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found.



Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
<i>14. Entosthodon kochii</i>	Koch's cord moss			1B.3	Moss; Cismontane woodland, valley & foothill grassland on soil on river banks. Known from serpentine on the Plumas NF. 180-1000 meters in elevation.	<b>Not expected.</b> The site provides grassland habitat, however no river banks or serpentine soils are present. The CNDDDB reports only one occurrence of this rare species in the region; found growing on Camp Roberts along the moist banks of the Nacimiento River.
<i>15. Eriastrum luteum</i>	yellow-flowered eriastrum			1B.2	Annual herb; broadleaved upland forest, chaparral, cismontane woodland generally in sandy or gravelly soils; 290-1000 meters in elevation; blooms May to June.	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found.
<i>16. Horkelia cuneata</i> var. <i>puberula</i>	mesa horkelia			1B.1	Perennial herb; chaparral, cismontane woodland, coastal scrub; sandy or gravelly soils; 230 to 2657 feet elevation; blooms February to September.	<b>Not expected.</b> No suitable soil types or habitats are present. Species was not observed on the site, and is not expected to occur.
<i>17. Horkelia cuneata</i> var. <i>sericea</i>	Kellogg's horkelia			1B.1	Perennial herb; chaparral, closed-cone coniferous forest, coastal dunes, coastal scrub in sandy or gravelly openings; 10 to 200 meters in elevation; blooms April to September.	<b>Not expected.</b> No suitable soils or habitat present. Species occurs on loose sandy soils of marine origin closer to the coast, and typically grows in coastal scrub and Monterey pine forest habitats that are not present onsite. Not expected to occur onsite.
<i>18. Juncus luciensis</i>	Santa Lucia dwarf rush			1B.2	Annual herb; chaparral, Great Basin scrub, lower montane coniferous forest, meadows and seeps, vernal pools from 300-2,040 meters in elevation; blooms April to July.	<b>Not expected.</b> The small swale area is likely not wet enough to support this species. Not observed during site surveys, and therefore not expected onsite. This species occurs at higher elevations than are present onsite.
<i>19. Layia heterotricha</i>	pale-yellow layia			1B.1	Annual herb; alkaline, clay and sandy soils in scrub, cismontane woodland, pinyon-juniper woodland, and valley and foothill grassland; 300 to 1,705 meters; blooms March to June.	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found. This species occurs at higher elevations than are present onsite.
<i>20. Lepidium jaredii</i> ssp. <i>jaredii</i>	Jared's pepper-grass			1B.2	Annual herb; valley & foothill grassland; sandy or adobe soils; 335 to 1005 meters in elevation; blooms April to May.	<b>Not expected.</b> Grassland and swale habitats were searched during focused surveys conducted during this species bloom period, and it was not found.



Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
21. <i>Malacothamnus davidsonii</i>	Davidson's bush-mallow			1B.2	Perennial deciduous shrub; chaparral, cismontane woodland, coastal scrub, riparian woodland; 185 to 855 meters in elevation; blooms June to January.	<b>Not expected.</b> No suitable habitat present. Perennial shrub was not observed during site surveys. Not expected to occur onsite..
22. <i>Malacothamnus jonesii</i>	Jones' bush mallow			4.3	Perennial shrub; chaparral and foothill woodland; 25 – 830 meters in elevation; blooms May – July	<b>Not expected.</b> No suitable habitat is present. This perennial shrub species would have been in identifiable condition if present onsite.
23. <i>Malacothamnus palmeri</i> var. <i>palmeri</i>	Santa Lucia bush mallow			1B.2	Perennial shrub; chaparral, cismontane woodland, and coastal scrub; 30 – 1100 meters in elevation; blooms May – July.	<b>Not expected.</b> No suitable habitat is present. This perennial shrub species would have been in identifiable condition if present onsite.
24. <i>Malacothrix saxatilis</i> var. <i>arachnoidea</i>	Carmel Valley malacothrix			1B.2	Perennial rhizomatous herb; chaparral and coastal scrub; occurs on rock outcrops and rocky road cuts; 25 to 335 meters in elevation; blooms June to December.	<b>Not Expected.</b> No suitable habitat present. Not observed during site surveys. Not expected to occur onsite.
25. <i>Monolopia gracilens</i>	woodland woollythreads			1B.2	Annual herb; openings of broad-leaved upland forest, chaparral, cismontane woodland, north coast coniferous forest and valley and foothill grassland typically on serpentine; 100 to 1,200 meters in elevation. Blooms February to July.	<b>Not expected.</b> The site does not contain serpentine derived soils, and the species was not observed during focused surveys conducted during the species bloom period.
26. <i>Navarretia fossalis</i>	spreading navarretia	T		1B.1	Annual herb; vernal pools, chenopod scrub, marshes and swamps, playas. Occurs in San Diego hardpan & San Diego claypan vernal pools and swales often surrounded by other habitat types; 30-665 meters in elevation; blooms April to June.	<b>Not expected.</b> The site does not contain vernal pool habitat, and the species was not observed during surveys.
27. <i>Navarretia jaredii</i>	Paso Robles navarretia			4.3	Annual herb; open grassy areas, often in clay or serpentine; 200 – 500 meters elevation; blooms April – July.	<b>Not expected.</b> The site contains disturbed soils and a swale that were searched during focused surveys conducted during the species bloom period, and it was not found.



Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
28. <i>Navarretia nigelliformis</i> ssp. <i>radians</i>	shining navarretia			1B.2	Annual herb; cismontane woodland, valley and foothill grassland habitat in swales adjacent to and on the rim of vernal pools; 76-1000 meters in elevation; blooms April to July.	<b>Not expected.</b> CNDDDB identifies a number of occurrences on the nearby Chandler Ranch. The site was mostly bare soils, and contains swale and annual grassland habitat that was historically mowed and disked annually. The swale and grassland areas were searched during focused surveys conducted within the species bloom period, and it was not found. Surveys also searched the swale at offsite areas and no shining navarretia were found.
29. <i>Navarretia prostrata</i>	prostrate vernal pool navarretia			1B.1	Annual herb; coastal scrub, valley & foothill grassland, vernal pool, wetland; 15-700 meters in elevation; blooms April to July.	<b>Not expected.</b> The site contains annual grassland and swale habitat that was searched during focused surveys conducted during the species bloom period, and it was not found.
30. <i>Plagiobothrys uncinatus</i>	hooked popcornflower			1B.2	Annual herb; grows in sandy soils in chaparral, cismontane woodland, valley and foothill grassland, and coastal bluff scrub; 300-730 meters in elevation; blooms April to May.	<b>Not expected.</b> The species is typically known to occur further west of Paso Robles in the Santa Lucia Mountains and is not expected to occur in the project area. This species occurs at higher elevations than are present onsite.
31. <i>Senecio aphanactis</i>	chaparral ragwort			2B.2	Annual herb; chaparral, cismontane woodland, coastal scrub in drying alkaline flats; 15-800 meters in elevation; blooms January to April.	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found.
32. <i>Stebbinsoseris decipiens</i>	Santa Cruz microseris			1B.2	Annual herb; broadleaved upland forest, chaparral, closed-cone coniferous forest, coastal prairie, coastal scrub; 10-500 meters in elevation; blooms April to May.	<b>Not expected.</b> No suitable habitat is present onsite, and the species was not observed during surveys.





Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
33. <i>Symphotrichum defoliatum</i>	San Bernardino aster			1B.2	Perennial herb; vernal swales, grasslands, near ditches, streams, springs and disturbed areas; less than 2040 meters elevation; blooms July – November.	<b>Not expected.</b> The site contains annual grassland habitat that was searched during focused surveys conducted during the species bloom period, and it was not found.
<b>ANIMALS</b>						
1. <i>Agelaius tricolor</i>	tricolored blackbird			SSC	Nests in freshwater marshes with tules or cattails, or in other dense vegetation such as thistle, blackberry, thickets, etc., in close proximity to open water. Forages in a variety of habitats including pastures, agricultural fields, rice fields, and feedlots.	<b>Not expected.</b> No open water or marsh habitat is present that would provide nesting opportunities for this species. Not observed during surveys, and not expected to occur onsite.
2. <i>Anniella pulchra pulchra</i>	silvery legless lizard			SSC	Coastal dune and scrub and oak woodland habitat types, fossorial species requires loose friable soils covered by leaf litter. Prefer soils with high moisture content.	<b>Not expected.</b> No suitable soils or habitat to support this species are present. Not observed during surveys, and not expected to occur onsite.
3. <i>Antrozous pallidus</i>	pallid bat			SSC	Roosts in rock crevices, caves, mine shafts, under bridges, in buildings and tree hollows.	<b>Unlikely.</b> No suitable roost sites present. Could potentially forage over the site, but not expected to roost onsite.
4. <i>Aquila chrysaetos</i>	golden eagle			FP	Uncommon resident of mountainous and valley-foothill areas. Nesting occurs on cliff ledges and overhangs or in large trees. Foraging typically occurs in open terrain where small rodent prey is seen while soaring high above ground.	<b>Unlikely.</b> No suitable nesting or perching sites are present onsite. Marginal foraging habitat present onsite since it is mowed and disked annually, which reduces prey base. Could be an uncommon transient flying between areas of suitable habitat, and ground squirrels were observed on offsite properties.
5. <i>Ardea herodias</i>	great blue heron			WL	Marshes, lake margins, tide-flats, rivers, and wet meadows. Nests communally in large trees and cliff sides, typically adjacent to marshes and water bodies. Rookery site are in close proximity to foraging areas.	<b>Unlikely.</b> No open water or marsh habitat for foraging, and no trees or cliffs that would provide nesting opportunities for this species are present. Not observed during surveys, and not expected to occur onsite.



Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
6. <i>Athene cunicularia</i>	burrowing owl			SSC	Open and dry grasslands, nests in burrows typically constructed by ground squirrels.	<b>Unlikely.</b> No suitable nesting sites or prey base present onsite. Marginal foraging habitat is present in grasslands, but no burrows suitable for nesting were observed. Could occur onsite as an uncommon transient.
7. <i>Branchinecta lynchi</i>	vernal pool fairy shrimp	T			Endemic to vernal pools in grasslands of central coast mountains and valleys; inhabits small clear-water sandstone or soil depression pools and grassland swales. Requires shallow water with little to no current for at least 16 days.	<b>Not expected.</b> No vernal pool habitat is present on the site that could support this species. Swale-like feature is present, but is not expected to provide suitable habitat since water would be flowing, which is not suitable for fairy shrimp.
8. <i>Buteo regalis</i>	ferruginous hawk			WL	Open, level, or rolling prairies; foothills or middle elevation plateaus largely devoid of trees; and cultivated shelterbelts or riparian corridors. These hawks typically avoid high elevations, forest interiors, narrow canyons, and cliff areas, and forage over a large area.	<b>Unlikely.</b> This species could potentially occur seasonally (winter) onsite as an uncommon transient foraging in the greater region. Would not be expected to nest onsite since this species does not nest in California.
9. <i>Buteo swainsoni</i>	Swainson's hawk		T		Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, & agricultural or ranch lands with groves or lines of trees. Requires suitable foraging areas such as grasslands or grain fields supporting rodent populations.	<b>Unlikely.</b> Open terrain onsite and in the vicinity of the project area likely provides a suitable rodent population for foraging. Known to nest along the Highway 46 corridor in Whitley Gardens/Shandon area and has not yet been observed in the Paso Robles area.
10. <i>Dendroica petechia brewsteri</i>	yellow warbler			SSC	Riparian plants; prefers willows, cottonwoods, aspens, sycamores and alders for resting and foraging; resident, winter/breeding migrant.	<b>Unlikely.</b> No riparian habitat is present that could provide foraging or nesting opportunities for this species.
11. <i>Elanus leucurus</i>	White-tailed kite			FP	Nests in dense tree canopy near open grassland and marsh foraging areas typically from March through August.	<b>Unlikely.</b> This species could potentially occur seasonally onsite as a forager, but would not be expected to nest onsite due to the regular disturbance and human activities.



Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
<i>12. Emys marmorata</i>	western pond turtle			SSC	Permanent or nearly permanent water bodies in many habitats.	<b>Not expected.</b> No open water habitat is present that could support this species.
<i>13. Eremophila alpestris actia</i>	California horned lark			WL	Sparse coastal sage scrub, grasslands, coastal plains and fallow grain fields; resident.	<b>Unlikely.</b> Grassland habitat onsite is mowed and disked annually and would not be expected to support nesting activities.
<i>14. Falco mexicanus</i>	prairie falcon			WL	Catches prey in air and in open ground in grasslands, Nests in cliffs overlooking large areas; resident, breeding migrant.	<b>Unlikely.</b> Site lacks high cliffs where this species generally nests. Species could forage onsite, but would not be expected to nest. Unlikely to occur.
<i>15. Haliaeetus leucocephalus</i>	bald eagle		E	FP	Nests in mature open canopies of large trees within 1 mile of a large water source.	<b>Unlikely.</b> No nesting or open water habitat is present. Species is known to occur in the Salinas River corridor and Lake Nacimiento area, and could potentially forage over the site on rare occasions. Unlikely to occur.
<i>16. Lasiurus cinereus</i>	hoary bat				Roosts in dense foliage of large trees. Requires water. Prefers open habitats or habitat mosaics with access to trees for cover and areas of habitat edge for feeding.	<b>Unlikely.</b> No nesting or open water habitat is present. Species could potentially forage over the site on rare occasions. Unlikely to occur.
<i>17. Neotoma macrotis luciana</i>	Monterey dusky-footed woodrat			SSC	Builds large stick nests in chaparral and woodland habitats of moderate canopy and moderate to dense understory.	<b>Not expected.</b> Site is outside the range for this species, and no suitable habitat is present. Stick nests were not observed during surveys. Unlikely to occur.
<i>18. Perognathus inornatus inornatus</i>	San Joaquin pocket mouse				Burrows in sandy and other friable soils of grasslands and savannah habitats typically in the San Joaquin Valley region.	<b>Unlikely.</b> One occurrence of this species was reported in 1918 in the region, however this species has undergone taxonomic review, and is generally known to occur farther east of the site. Unlikely to occur.
<i>19. Perognathus inornatus psammophilus</i>	Salinas pocket mouse			SSC	Burrows in sandy and other friable soils of grasslands and savannah habitats in the Salinas Valley.	<b>Unlikely.</b> Typically occurs further north in the Salinas Valley, and is not expected to occur onsite.



Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
<i>20. Phrynosoma blainvillii</i>	coast horned lizard			SSC	Frequents a wide variety of habitat including sandy washes with scattered shrubs and open areas for sunning. Loose soils for burial.	<b>Unlikely.</b> Sandy wash habitat similar to nearby Huerhuero and Dry Creeks is not present onsite.
<i>21. Polyphylla nubila</i>	Atascadero June beetle				Known to occur in sand dunes in Atascadero and San Luis Obispo. Suitable habitat includes sandy soils and annual grassland habitat with blue elderberry.	<b>Not Expected.</b> Site lacks suitable habitat for this species. Not expected to occur.
<i>22. Rana draytonii</i>	California red-legged frog	T		SSC	Lowland and foothills in or near permanent or semi-permanent sources of deep water (at least 0.5 meter) bordered by emergent wetland and/or riparian vegetation. May use a variety of aquatic and upland habitats during the year for refugia and dispersal.	<b>Not Expected.</b> No suitable habitat is present to support this species. Not expected to occur.
<i>23. Riparia riparia</i>	bank swallow		T		Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	<b>Not expected.</b> No riparian habitat or suitable cliffs for nesting. Not expected to occur.
<i>24. Spea hammondii</i>	western spadefoot			SSC	Occurs primarily in grassland habitats where vernal pools are present. It emerges from underground burrows in the winter to breed in short-lived vernal pools and long-lived puddles with no flowing water; also occurs in valley-foothill woodlands near areas of seasonally ponded water. Does not breed in drainages with flowing water.	<b>Unlikely.</b> This highly opportunistic species is known to occur in vernal pool habitats in the eastern Paso Robles region. No suitable vernal pool habitat present. Swale like features onsite may contain periodic flowing water, which is not suitable for this species breeding activities. No evidence of standing or ponded water was present, and therefore, breeding habitat does not appear to be present onsite.



Scientific Name	Common Name	Listing Status*			Habitat Requirements	Probability of Occurrence / Site Suitability / Observations
		Fed	CA	CDFW		
25. <i>Taricha torosa</i>	Coast Range newt			SSC	Coastal drainages from Mendocino County to San Diego County. Lives in terrestrial habitats & will migrate over 1 km to breed in ponds, reservoirs & slow moving streams.	<b>Not expected.</b> Site is further east than most known occurrences, and no drainages that could support this species are present.
26. <i>Taxidea taxus</i>	American badger			SSC	Open grasslands and edge of scrub/woodland habitats; requires dry loose soils for burrowing and shelter, and small mammals (ground squirrel and pocket gopher) for food.	<b>Potential.</b> No potential den sites observed, but suitable small mammal prey base is present just offsite. Could occur as a rare transient.
27. <i>Vireo bellii pusillus</i>	least Bell's vireo	E	E	WL	Riparian forest near permanent water or in dry river bottoms below about 600 meters elevation.	<b>Not Expected.</b> No riparian habitat is present on the site. The extensive riparian habitat associated with the Salinas River to the east could support this species. Not expected to occur onsite.
28. <i>Vulpes macrotis mutica</i>	San Joaquin kit fox	E	T		Found in grassland, open shrubby areas, and in some agricultural settings. Needs loose textured sandy-soils for burrowing, and suitable prey base consisting of ground squirrels, other small mammals, birds, and insects.	<b>Unlikely.</b> Marginal movement habitat present on site. Last seen in project area in 1991 on the Chandler Ranch. Kit fox population likely extirpated in the region, and at this time it appears unlikely for recolonization of Paso Robles area given the extensive vineyard and urban development west of the Estrella River corridor.
<b>PLANT COMMUNITIES</b>						
1. Riparian (Central Coast Arroyo Willow Scrub of Forest)					<b>Not present.</b>	
2. Wetland (Coastal Valley and Freshwater Marsh)					<b>Not present.</b>	
3. Native Bunchgrass Grassland					<b>Not present.</b>	
4. Valley Oak Woodland					<b>Not present.</b>	
5. Vernal Pool					<b>Not present.</b>	

\*FE – listed as Endangered under federal Endangered Species Act; SE – listed as Endangered under California Endangered Species Act; SR – listed as Rare under California Endangered Species Act; ST - listed as Threatened under California Endangered Species Act; FP – Fully Protected by California Department of Fish and Wildlife; SSC – DFW Species of Special Concern; WL – List of Birds of Conservation Concern; 1A = Plants presumed extinct in California; 1B.1 = Rare or endangered in California and elsewhere; seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat); 1B.2 = Rare or endangered in California and elsewhere; fairly endangered in California (20-80% occurrences threatened); 1B.3 = Rare or endangered in California and elsewhere, not very endangered in California (<20% of occurrences threatened or no current threats known); 2 = Rare, threatened or endangered in California, but more common elsewhere; 3 = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CNPS and CESA); 4.2 = Plants of limited distribution (watch list), fairly endangered in California (20-80% occurrences threatened); and 4.3= Plants of limited distribution (watch list), not very endangered in California.

**Table 2 - List of Species Observed:**

Scientific Name	Common Name
<b>Plants</b>	
<i>Achyrrachaena mollis</i>	Blow wives
<i>Acmispon americanus (Lotus purshianus)</i>	Spanish lotus
<i>Acmispon wrangelianus (Lotus)</i>	California lotus
<i>Amsinckia menziesii</i>	Fiddleneck
<i>Anagallis arvensis*</i>	Scarlet pimpernel
<i>Anthemis cotula*</i>	Dog fennel, mayweed
<i>Asclepius eriocarpa</i>	Indian milkweed
<i>Avena barbata*</i>	Slender wild oats
<i>Brassica nigra*</i>	Mustard
<i>Bromus diandrus*</i>	Ripgut grass
<i>Bromus hordeaceous*</i>	Soft chess brome
<i>Bromus madritensis ssp. rubens*</i>	Red brome
<i>Carduus pycnocephalus*</i>	Italian thistle
<i>Convolvulus arvensis*</i>	Field bindweed
<i>Croton setigerus</i>	Turkey-mullein
<i>Erodium botrys*</i>	Storksbill
<i>Erodium cicutarium*</i>	Redstem filaree
<i>Eryngium vaseyi</i>	Coyote thistle
<i>Festuca myuros* (=Vulpia)</i>	Rattail fescue
<i>Festuca perennis (Lolium multiflorum)*</i>	Rye grass
<i>Hirschfeldia incana*</i>	Mustard
<i>Hordeum murinum ssp. leporinum*</i>	Foxtail
<i>Logfia gallica (Filago gallica)</i>	Narrowleaf cottonrose
<i>Lythrum hyssopifolia</i>	Hyssop loosestrife
<i>Malva parviflora*</i>	Cheeseweed
<i>Matricaria discoidea*</i>	Pineapple weed
<i>Medicago polymorpha*</i>	Bur clover
<i>Rumex crispus*</i>	Curly dock
<i>Salsola tragus*</i>	Tumbleweed
<i>Senecio vulgaris</i>	Common groundsel
<i>Sonchus asper*</i>	Sowthistle
<i>Spergula bocconii</i>	Sand spurry
<b>Animals</b>	
<i>Buteo jamaicensis</i>	Red-tailed hawk (flyover)
<i>Buteo lineatus</i>	Red-shouldered hawk (flyover)
<i>Carpodacus mexicanus</i>	House finch (foraging)
<i>Cathartes aura</i>	Turkey vulture (flyover)
<i>Euphagus cyanocephalus</i>	Brewer's blackbird (foraging)
<i>Sayornis nigricans</i>	Black phoebe (foraging)
<i>Sialia mexicana</i>	Western blue bird (flyover)
<i>Spermophilus beecheyi</i>	California ground squirrel (SE corner)
<i>Sturnella neglecta*</i>	Meadowlark (fenceline)
<i>Thomomys bottae</i>	Botta's pocket gopher
<i>Tyrannus verticalis</i>	King bird (fenceline)
<i>Zenaidura macroura</i>	Mourning dove
<i>Zonotrichia leucophrys</i>	White crowned sparrow (foraging)

\* Denotes Non-Native Species



**Photo Plate**



**Photo 1.** Southeasterly view of site from Ardmore Road showing active stockpile and mowed/disked grassland.



**Photo 2.** Southerly view along western property line. Residential development is to the west.





**Photo 3.** Southerly view of eastern property line. Chandler Ranch is located to the south. Soil stockpiles are visible in the distance.



**Photo 4.** Westerly view of site from eastern property line shows active stockpile management area and residential development to the west in the distance.





**Photo 5.** Northwesterly view of the site from the southeast property corner. Site was disked and primarily composed of bare soils with some annual grasses persisting along the margins.



**Photo 6.** Westerly view of southern property line showing remnant annual grassland and active stockpile management. Old wood pile is visible in the right side of photo.





**Photo 7.** Northerly view of western property line with disked annual grassland visible in the foreground and stockpile management area in the right side of photograph.



**Photo 8.** Easterly view of southern property line during a site visit in April 2017 prior to disking. Soil stockpiles are visible to the upper left.

STANDARD RECOMMENDATIONS

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**U.S. FISH AND WILDLIFE SERVICE  
STANDARDIZED RECOMMENDATIONS  
FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX  
PRIOR TO OR DURING GROUND DISTURBANCE**

Prepared by the Sacramento Fish and Wildlife Office  
January 2011

**INTRODUCTION**

The following document includes many of the San Joaquin kit fox (*Vulpes macrotis mutica*) protection measures typically recommended by the U. S. Fish and Wildlife Service (Service), prior to and during ground disturbance activities. **However, incorporating relevant sections of these guidelines into the proposed project is not the only action required under the Endangered Species Act of 1973, as amended (Act) and does not preclude the need for section 7 consultation or a section 10 incidental take permit for the proposed project.** Project applicants should contact the Service in Sacramento to determine the full range of requirements that apply to your project; the address and telephone number are given at the end of this document. Implementation of the measures presented in this document may be necessary to avoid violating the provisions of the Act, including the prohibition against "take" (defined as killing, harming, or harassing a listed species, including actions that damage or destroy its habitat). These protection measures may also be required under the terms of a biological opinion pursuant to section 7 of the Act resulting in incidental take authorization (authorization), or an incidental take permit (permit) pursuant to section 10 of the Act. The specific measures implemented to protect kit fox for any given project shall be determined by the Service based upon the applicant's consultation with the Service.

The purpose of this document is to make information on kit fox protection strategies readily available and to help standardize the methods and definitions currently employed to achieve kit fox protection. The measures outlined in this document are subject to modification or revision at the discretion of the Service.

**IS A PERMIT NECESSARY?**

**Certain acts need a permit from the Service which includes destruction of any known (occupied or unoccupied) or natal/pupping kit fox dens.** Determination of the presence or absence of kit foxes and /or their dens should be made during the environmental review process.

All surveys and monitoring described in this document must be conducted by a qualified biologist and these activities do not require a permit. A qualified biologist (biologist) means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, the biologist(s) must be able to identify coyote, red fox,

### STANDARD RECOMMENDATIONS

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gray fox, and kit fox tracks, and to have seen a kit fox in the wild, at a zoo, or as a museum mount. Resumes of biologists should be submitted to the Service for review and approval prior to any survey or monitoring work occurring.

### SMALL PROJECTS

Small projects are considered to be those projects with small foot prints, of approximately one acre or less, such as an individual in-fill oil well, communication tower, or bridge repairs. These projects must stand alone and not be part of, or in any way connected to larger projects (i.e., bridge repair or improvement to serve a future urban development). The Service recommends that on these small projects, the biologist survey the proposed project boundary and a 200-foot area outside of the project footprint to identify habitat features and utilize this information as guidance to situate the project to minimize or avoid impacts. If habitat features cannot be completely avoided, then surveys should be conducted and the Service should be contacted for technical assistance to determine the extent of possible take.

Preconstruction/preactivity surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the San Joaquin kit fox. Kit foxes change dens four or five times during the summer months, and change natal dens one or two times per month (Morrell 1972). Surveys should identify kit fox habitat features on the project site and evaluate use by kit fox and, if possible, assess the potential impacts to the kit fox by the proposed activity. The status of all dens should be determined and mapped (see Survey Protocol). Written results of preconstruction/preactivity surveys must be received by the Service within five days after survey completion and prior to the start of ground disturbance and/or construction activities.

**If a natal/pupping den is discovered within the project area or within 200-feet of the project boundary, the Service shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the preconstruction/preactivity survey reveals an active natal pupping or new information, the project applicant should contact the Service immediately to obtain the necessary take authorization/permit.**

If the take authorization/permit has already been issued, then the biologist may proceed with den destruction within the project boundary, except natal/pupping den which may not be destroyed while occupied. A take authorization/permit is required to destroy these dens even after they are vacated. Protective exclusion zones can be placed around all known and potential dens which occur outside the project footprint (conversely, the project boundary can be demarcated, see den destruction section).



**OTHER PROJECTS**

It is likely that all other projects occurring within kit fox habitat will require a take authorization/permit from the Service. This determination would be made by the Service during the early evaluation process (see Survey Protocol). These other projects would include, but are not limited to: Linear projects; projects with large footprints such as urban development; and projects which in themselves may be small but have far reaching impacts (i.e., water storage or conveyance facilities that promote urban growth or agriculture, etc.).

The take authorization/permit issued by the Service may incorporate some or all of the protection measures presented in this document. The take authorization/permit may include measures specific to the needs of the project and those requirements supersede any requirements found in this document.

**EXCLUSION ZONES**

In order to avoid impacts, construction activities must avoid their dens. The configuration of exclusion zones around the kit fox dens should have a radius measured outward from the entrance or cluster of entrances due to the length of dens underground. The following distances are **minimums**, and if they cannot be followed the Service must be contacted. Adult and pup kit foxes are known to sometimes rest and play near the den entrance in the afternoon, but most above-ground activities begin near sunset and continue sporadically throughout the night. Den definitions are attached as Exhibit A.

Potential den**	50 feet
Atypical den**	50 feet
Known den*	100 feet
Natal/pupping den (occupied <u>and</u> unoccupied)	Service must be contacted

**\*Known den:** To ensure protection, the exclusion zone should be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by kit foxes. Acceptable fencing includes untreated wood particle-board, silt fencing, orange construction fencing or other fencing as approved by the Service as long as it has openings for kit fox ingress/egress and keeps humans and equipment out. Exclusion zone fencing should be maintained until all construction related or operational disturbances have been terminated. At that time, all fencing shall be removed to avoid attracting subsequent attention to the dens.

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**\*\*Potential and Atypical dens:** Placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.

Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited or greatly restricted within the exclusion zones.

### DESTRUCTION OF DENS

Limited destruction of kit fox dens may be allowed, if avoidance is not a reasonable alternative, provided the following procedures are observed. The value to kit foxes of potential, known, and natal/pupping dens differ and therefore, each den type needs a different level of protection.

**Destruction of any known or natal/pupping kit fox den requires take authorization/permit from the Service.**

Destruction of the den should be accomplished by careful excavation until it is certain that no kit foxes are inside. The den should be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period. If at any point during excavation, a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den as described above should be resumed. Destruction of the den may be completed when in the judgment of the biologist, the animal has escaped, without further disturbance, from the partially destroyed den.

Natal/pupping dens: Natal or pupping dens which are occupied will not be destroyed until the pups and adults have vacated and then only after consultation with the Service. Therefore, project activities at some den sites may have to be postponed.

Known Dens: Known dens occurring within the footprint of the activity must be monitored for three days with tracking medium or an infra-red beam camera to determine the current use. If no kit fox activity is observed during this period, the den should be destroyed immediately to preclude subsequent use.

If kit fox activity is observed at the den during this period, the den should be monitored for at least five consecutive days from the time of the observation to allow any resident animal to move to another den during its normal activity. Use of the den can be discouraged during this period by partially plugging its entrances(s) with soil in such a manner that any resident animal can escape easily. Only when the den is determined to be unoccupied may the den be excavated under the direction of the biologist. If the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant, for example during the animal's normal foraging activities.

## STANDARD RECOMMENDATIONS

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**The Service encourages hand excavation, but realizes that soil conditions may necessitate the use of excavating equipment. However, extreme caution must be exercised.**

Potential Dens: If a take authorization/permit has been obtained from the Service, den destruction may proceed without monitoring, unless other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential dens should be monitored as if they were known dens. If any den was considered to be a potential den, but is later determined during monitoring or destruction to be currently, or previously used by kit fox (e.g., if kit fox sign is found inside), then all construction activities shall cease and the Service shall be notified immediately.

**CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS**

Habitat subject to permanent and temporary construction disturbances and other types of ongoing project-related disturbance activities should be minimized by adhering to the following activities. Project designs should limit or cluster permanent project features to the smallest area possible while still permitting achievement of project goals. To minimize temporary disturbances, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas should also be included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts.

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is

### STANDARD RECOMMENDATIONS

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- discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
  5. No firearms shall be allowed on the project site.
  6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
  7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.
  8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.
  9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.
  10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be

STANDARD RECOMMENDATIONS

re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Game (CDFG), and revegetation experts.

11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for guidance.
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service should be contacted at the numbers below.
13. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFG contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division  
 2800 Cottage Way, Suite W2605  
 Sacramento, California 95825-1846  
 (916) 414-6620 or (916) 414-6600



**EXHIBIT “A” - DEFINITIONS**

"Take" - Section 9 of the Endangered Species Act of 1973, as amended (Act) prohibits the "take" of any federally listed endangered species by any person (an individual, corporation, partnership, trust, association, etc.) subject to the jurisdiction of the United States. As defined in the Act, take means " . . . to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct". Thus, not only is a listed animal protected from activities such as hunting, but also from actions that damage or destroy its habitat.

"Dens" - San Joaquin kit fox dens may be located in areas of low, moderate, or steep topography. Den characteristics are listed below, however, the specific characteristics of individual dens may vary and occupied dens may lack some or all of these features. Therefore, caution must be exercised in determining the status of any den. Typical dens may include the following: (1) one or more entrances that are approximately 5 to 8 inches in diameter; (2) dirt berms adjacent to the entrances; (3) kit fox tracks, scat, or prey remains in the vicinity of the den; (4) matted vegetation adjacent to the den entrances; and (5) manmade features such as culverts, pipes, and canal banks.

"Known den" - Any existing natural den or manmade structure that is used or has been used at any time in the past by a San Joaquin kit fox. Evidence of use may include historical records, past or current radiotelemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox. The Service discourages use of the terms "active" and "inactive" when referring to any kit fox den because a great percentage of occupied dens show no evidence of use, and because kit foxes change dens often, with the result that the status of a given den may change frequently and abruptly.

"Potential Den" - Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.

"Natal or Popping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the two, therefore, for purposes of this definition either term applies.

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"Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.



**CITY OF EL PASO DE ROBLES**  
*"The Pass of the Oaks"*

**AFFIDAVIT**  
**OF MAIL NOTICES**  
**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Monica Hollenbeck, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Planned Development 17-001, on this 13<sup>th</sup> day of October, 2017.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed: Monica C Hollenbeck  
Monica Hollenbeck

RECEIVED *changed*

OCT 18 2017

City of Paso Robles  
Community Development Dept.

THE *Newspaper of the Central Coast*  
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In The Superior Court of The State of California  
In and for the County of San Luis Obispo

AD #3337571  
CITY OF PASO ROBLES

STATE OF CALIFORNIA

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; OCTOBER 15, 2017 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Jane E. Durand*  
(Signature of Principal Clerk)

DATE: OCTOBER 15, 2017

AD COST: \$301.29

CITY OF EL PASO DE ROBLES  
NOTICE OF INTENT TO ADOPT A MITIGATED  
NEGATIVE DECLARATION  
NOTICE OF PUBLIC HEARING  
PLANNED DEVELOPMENT 17-001 & PARCEL MAP PR 1  
6-0245 (SPURR)

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will consider adopting a Mitigated Negative Declaration in accordance with the California Environmental Quality Act and approval of the following project:

Project Title: Planned Development 17-001 / PR 16-0245 (Homewood Suites)  
Applicant: Ace Design, LLC  
Project Location: East end of Dallons Drive, Paso Robles, CA. APNs: 025-362-014

Project Description: **Planned Development 17-001 & PR 16-0245:** request to subdivide a 7-acre site into two 3.5-acre parcels, and development of a 16,000 square foot industrial building with equipment storage yard on one of the parcels.

The Public Review Period for the proposed Mitigated Negative Declaration will commence on October 16, 2017, and end on November 14, 2017. A public hearing before the Planning Commission is scheduled to take place on Tuesday, November 14, 2017, at the hour of 6:30 pm in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.

FINDING

The City of Paso Robles has reviewed the above project in accordance with the City of Paso Robles' Rules and Procedures for the Implementation of the California Environmental quality Act and has determined that an Environmental Impact Report need not be prepared because:

- The proposed project will not have a significant effect on the environment.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project as a part of a Mitigated Negative Declaration.

The Initial Study which provides the basis for this determination is available at the City of Paso Robles, Community Development Department, 1000 Spring Street, Paso Robles, CA 93446.

NOTICE

The public is invited to provide written comment on the Draft Mitigated Negative Declaration and/or to provide oral comment at the public hearing noted above. The appropriateness of the Draft Negative Declaration will be reconsidered in light of the comments received.

Questions about and comments on the proposed project and Mitigated Negative Declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or e-mailed to CDdirector@prcity.com provided that any comments are received prior to the time of the Planning Commission hearing. Should you have any questions about this project, please call Darren Nash at (805) 237-3970 or send email to dnash@prcity.com.

October 9, 2017  
Darren Nash, Associate Planner  
October 15, 2017

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